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THE
STATE RECORDS
OF
NORTH CAROLINA.

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North Carolina

COLLECTED AND EDITED

BY
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ONE OF THE JUSTICES OF THE SUPREME COURT OF N. C.

VOL. XI—1776, AND SUPPLEMENT—1730 TO 1776.

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PREFACE.

At a period somewhat prior to the death of the late Col. William L. Saunders, the compilation and publication of the COLONIAL RECORDS which, under his efficient superintendence, had reached from the beginnings of the Province down to and inclusive of the year 1776, and filled ten large folio volumes, were suspended. This work was not resumed for some years, till in 1893 the undersigned, at the invitation of the Trustees of the State Library, assumed the continuation of the work of collecting and publishing. It was soon ascertained that the difficulties of the work and the scarcity of material were much greater than had attended the preparation of the ten volumes already issued, and that this scarcity of material, even more perhaps than the failing health of Col. Saunders, had caused him to suspend at the end of the year 1776, instead of bringing the work down to the year 1781, as authorized by The Code, section 3609.

Down to the outbreak of hostilities in 1775, and the flight of Gov. Josiah Martin from the State, copies of all important papers were "sent home" to England, and there preserved in the PUBLIC RECORDS office. When the State determined upon the publication of her COLONIAL RECORDS a tolerably complete sett of these official records were to be found in London. Under the instructions of Col. Saunders, these were copied for the State by W. Noel Sainsbury, Esq., who was admirably fitted for the work by more than forty years acquaintance with these records. After passing through his hands and those of Col. Saunders, these copies formed the chief material for the ten volumes which have been issued, the additions from other sources being comparatively insignificant.

But with the year 1776, this source of supply ceased. Copies of official records were no longer sent to England to be filed, and consequently the State is thenceforward thrown upon her home resources for historical records. These are very meagre indeed. For many years after 1776 the Governor and other Executive officers resided at their homes, often at remote points, meeting

only when the Legislature was in session. There was no permanent seat of government for nearly a score of years, and no fixed and safe depositories for the public archives. Papers thus scattered and little cared for soon became much disordered and a large portion of them were lost or destroyed. As for those which remained to be transferred to the capital when it became settled at Raleigh, a large part were burned in the fire which destroyed the Capitol building in 1832, others were destroyed when Raleigh was taken possession of by the Federal Troops in 1865, and some valuable documents disappeared during the regime of 1868-70, when many new men of doubtful character filled unaccustomed seats in the Legislature and other official positions. Valuable papers from time to time have been loaned to historians and lost, or at least have not been returned, and besides this there has been the natural waste of material kept in ill-ventilated and damp recesses without attention or care.

It may be imagined, therefore, that our early archives are conspicuous from their poverty. Little was to be found therein save such portions of the Executive correspondence as many years after its date had been copied into the Executive letter books and a part of the Journals of the Legislature, some of these last being lost and others mutilated. An attempt was made to supplement our stores from the archives at Washington, but the same waste of material consequent upon a peripatetic capital had lessened the quantity of material to be found there, which had been still further diminished by the burning of the War Department early in the century, and again, a few years later in 1814, when the British captured Washington and destroyed the Public Buildings.

The writer visited and inspected the "Draper" collection preserved in the Capitol of Wisconsin, the Astor and Lennox Libraries in New York, and the State and War, and other Departments in Washington City, and has gathered fragments, as they could be found, from various other sources. After all the collection is very unsatisfactory, but probably represents very nearly the sum total of historical material (not heretofore printed), which at this late day can be gathered together. It must always be a source of lasting regret that the Legislature of 1829 did not accept the offer of Judge Murphey, to collect and publish such of the early archives of the State, as at that date still remained. We possess a bare fragment of the stores

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accessible to him. The correspondence of Genl. Gates in 1780, so far as it relates to this State, has been copied from the originals on file in the Astor Library in New York, and there is a possibility of securing copies of Genl. Greene's correspondence, 1781-3 relative to North Carolina and North Carolina Troops while commanding the Southern Department. Permission to copy these was given, but the owner having died before it could be done, the letters have now passed into other hands.

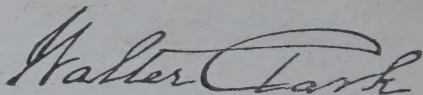
Application was made to W. Noel Sainsbury, Esq., to make a more exhaustive search in the PUBLIC RECORDS office in London. The result has been the discovery of a few papers which were overlooked in copying the records for Colonel Saunders and many other papers were found in the South Carolina files in the English records office, the papers of the two Provinces often pertaining to subjects of interest, common to both, not being filed in duplicate. These omitted papers have now all been copied, and appear in the *Supplement* 1730-1776, which occupies the first part of the present volume. Mr. Sainsbury passed away, at a ripe old age in March last, and his death is a distinct loss to this State, whom he has served so well and faithfully.

Governor Elias Carr, the present executive, has been a warm and earnest friend of this labor of gathering and publishing the remnants of our early archives and he has given every possible aid and encouragement to the prosecution of the enterprise. Hon. John C. Scarborough, the head of our educational system, has appreciated the value of the work and has always been its earnest friend. Major Graham Daves, of Newbern, an accomplished scholar, with fine historical attainments and tastes, has made laborious researches in the departments at Washington and has procured copies of all matter to be found there which is fitted for this work. The writer also wishes to express his acknowledgment for advice and assistance to Capt. Sam'l A. Ashe, of Raleigh, whose scholarship and patriotism are an inheritance from ancestors who have been conspicuous in our State's annals from the earliest dawn of its history.

The General Assembly of 1895, (Chapter 464,) extended the period which these archives are to embrace down to January 1790 and authorized an *Index* of the entire work to be prepared. For the lack of an index the volumes already published have so far

been of slight service. The literary board have selected for this important task Dr. Stephen B. Weeks, Ph. D., whose experience, application and scholarly attainments are a guarantee of the efficiency of his work. The index will cover the entire series, including both the "*Colonial*" and "*State*" Records, from the beginning to 1790, in one volume.

The title of the volumes now being prepared is necessarily changed to STATE RECORDS, but for convenience, especially in indexing, the first volume of the new series will be entitled STATE RECORDS, Vol. XI., the ten preceding volumes being entitled, COLONIAL RECORDS, 1-10.

A handwritten signature in cursive script, reading "Walter Clark". The signature is written in dark ink and is positioned to the right of the date line.

RALEIGH, N. C., December, 1895.

PREFATORY NOTES.

The lamented COLONEL SAUNDERS, in arranging THE RECORDS relating to the Colonial period of our history, thought it well to regard that period as extending to the adoption of the State Constitution in December, 1776, and Volume X. of THE COLONIAL RECORDS ends with the close of the year 1776. It seems, however, more in accordance with historical events to consider that the Colonial period was terminated by the Declaration of Independence; for then North Carolina disavowed further connection with the mother country and, solemnly asserting that her Colonial life had ceased, declared her title to full Statehood in the face of the world.

Indeed, the date of adopting a Constitution providing for a permanent government will appear to be of less moment when we recall that Colonial dependence had then long ceased, that the last Colonial Assembly met in April, 1775, that a month later the Royal governor had fled, and that the powers of government were being regularly exercised by the revolutionary authorities that had supplanted the Colonial system. The government by the Provincial Congress and the Committee of Thirteen, when the Congress was not in session, was as certain and autonomous in its character as any other could have been, and the new State did not arise on the adoption of a written constitution, or depend on the particular form of government established, but rather dates from the declaration that the people were no longer subjects of Great Britain, but were independent and sovereign, and that the Colony had now become the State of North Carolina. Therefore the Editor of this volume has regarded the Fourth of July, 1776, as the birthday of our Statehood, and he has treated it as the dividing point between the COLONIAL and State RECORDS.

The Editor has been able to collate quite a number of papers, of more or less importance, bearing on the Colonial period, which he has embodied as a supplement to the admirable work of Col. Saunders; and he has in this volume added largely to the records published by COL. SAUNDERS for the year 1776. But the excellent historical notes embodied by COL. SAUNDERS in the preface to his

last volume are so full and accurate, and so thoroughly cover the general movement for that entire year, as to leave but little for the Editor of this volume to say in presenting these additional Records to the public. Indeed, that last "labor of love" of COL. SAUNDERS is such a fine production that one may well hesitate to touch on the same subject, knowing that his best efforts must fall far short of the brilliant essay of that master mind. As far as practicable, then, the Editor will refrain from commenting on the topics that have been illuminated by COL. SAUNDERS' pen.

It may be well to recall the general trend of events, noting the orderly and systematic procedure that was observed by those who directed public affairs.

When information was received in December, 1773, that the British Parliament had again determined to tax America, the North Carolina Legislature, looking to unity of action among the Colonies, appointed a Committee of Correspondence to co-operate with similar committees appointed in the other Colonies. The members were John Harvey, John Ashe, Cornelius Harnett, Robert Howe, Edward Vail, William Hooper, Samuel Johnston and Joseph Hewes. This Committee at once became the virtual directors of events.

On June 9, 1774, the Committee received intelligence of the oppressive proceedings against the town of Boston, and in transmitting the papers the next day to the Committee of South Carolina they declared that the inhabitants of North Carolina will concur with and co-operate in such measures as may be concerted and agreed on by their Sister Colonies, on this occasion; that it is absolutely necessary that deputies be appointed by the several Colonies to meet and deliberate; that, in case the Governors of the different Colonies should refuse or decline to call an Assembly of the Representatives of the people, they should, in pursuance of the laudable example of the respectable members of the late House of Burgesses of Virginia, meet and form associations, &c.

Ten days later, in their letter to the Virginia Committee, they say: "We had been happy if we had been fully authorized to speak the general sense of the people of this Province. Be assured that we will, with all possible expedition, use the best

means to obtain it. Should not our Assembly meet on the 26th of July, to which time it now stands prorogued, we shall endeavor in some other way to collect the Representatives of the people, and shall immediately transmit to you what may be the result of their deliberations."

As early as April 4th, Col. Harvey had declared that if the Governor would not call the legislature together the people themselves would call one, and on July the 21, 1774, the freeholders of Wilmington, in public meeting, presided over by Mr. Hooper, a member of the Committee, made the call for the election of deputies to the First Provincial Congress. The proceedings of that meeting (Vol. IX., p. 1016, COLONIAL RECORDS) correspond so nearly with the utterances of the Committee as to leave no doubt that the step taken was the work of that Committee; and from that time onward Committees charged with public affairs directed the course of events in North Carolina, leaving nothing to hap-hazard, but perfecting measures and accomplishing purposes in a manner so orderly as to excite high admiration when we fully realize the great difficulties that beset them on every side.

The Military Organization.—Necessarily the first work, in view of the coming storm, was the perfection of the military organization. In September, 1775, it was resolved to raise a thousand regulars, to be divided into two regiments, the first being under the command of Col. James Moore, who had served in the Indian war, twenty years before, and who had probably also at one time been in command at Fort Johnston, and the second being given to Col. Robert Howe, who also had some training as an officer, having been in command of Fort Johnston..

In addition to these regulars, each county was to raise at least one company of fifty men, and the larger ones two and three companies, to be known as minute men, who were to be enlisted for six months, and were paid bounties for enlisting, and were to be paid while in active service and be under strict military discipline. These companies were associated according to the former Judicial Districts, as were also the Committees of Safety, so that these districts became, as it were, the unit of organization. The companies in each district formed a battalion of 500 men, and

the number of minute men provided for was about 3,000. Their Colonels were Edward Vail, Nicholas Long, Thomas Wade, James Thackston, Richard Caswell and Alexander Lillington, and these officers, when associated together, were to take rank according to the date of their commissions, and their commissions were to bear date from the day when their respective battalions were completely organized.

The militia also was put in training, was well organized and required to muster and be in readiness for active service. Their Colonels and other field officers were appointed by the Congress.

In December, 1775, it was ordered that two battalions of minute men be embodied in the Salisbury District, and Griffith Rutherford and Thomas Polk were appointed Colonels to command them.

In April, 1776, after the battle of Moore's Creek, and when the British lay in the lower Cape Fear, the enlistment of four new regiments of regulars was begun under Colonels Sumner, Thomas Polk, Edward Buncombe and Alexander Lillington, and the militia was reorganized, and was brigaded according to the judicial districts, the Brigadiers being Vail, Caswell, Ashe, Person, Rutherford and Allen Jones.

When service was required of the Militia at a distance, drafts were made, each Colonel being required to send so many, the period of service being generally three months.

On March 1, 1776, the Continental Congress appointed Col. Moore and Col. Howe to be Brigadier Generals, and doubtless at the instance of the Virginia authorities, because Gen. Howe had given such great satisfaction when in command at Norfolk, he was ordered to proceed to Virginia and take command of the forces in that Colony, while to Gen. Moore was assigned the command of the forces in North Carolina. By these promotions Francis Nash and Alexander Martin became Colonels of their respective regiments, and when later Col. Lillington of the 6th, finding himself too old for the active service he had undertaken, resigned, Gideon Lamb became Colonel of the 6th Regiment.

Military Operations.—Just after the discomfiture of the forces at Moore's Creek there were large accessions to the British forces in the lower harbor at the mouth of the Cape Fear, and a formid-

able invasion of the Province was expected. In May there were still seven British regiments on the Cape Fear, five being encamped at Fort Johnston, one at Baldhead, and another being on shipboard. To hold them in check, in addition to the Continentals concentrated at Wilmington under Gen. Moore, there was a large Militia force under Gen. Ashe, and when, on the 30th of May, the British sailed south to attack Charleston, four North Carolina regiments hurried to the assistance of that city.

The expectation in North Carolina was that, if repulsed at Charleston, Gen. Clinton would return to invade this Province, and much anxiety was felt because of that danger. On June 28th Clinton made his unsuccessful attack on Fort Moultrie. Notwithstanding his repulse, he lingered at Charleston and threatened Savannah and other points on the coast. Gen. Moore then returned at once to Wilmington, where the 5th and 6th Regiments of Continentals were in camp, leaving Gen. Howe and the brigade in South Carolina. Towards the end of July Gen. Clinton abandoned his designs against the Southern Colonies for the summer and sailed Northward, and when this became known, early in August, Gen. Ashe sent home the Militia brigades from the districts of New Berne, Halifax and Edenton, reserving only a part of the Wilmington brigade in active service.

The British still occupied the lower harbor and held Baldhead, remaining there all the summer, watched, however by Gen. Moore with his Continentals, or at least the 5th and 6th Regiments of Continentals; for the other regiments were on duty in South Carolina and Georgia, Gen. Moore having with him in his invasion of Florida as late as September three North Carolina Regiments. But eventually Gen. Moore was joined by all of the Continental regiments except the 3d, which, with some companies of the 1st and 2d, continued long with Gen. Howe in Georgia.

About the middle of September the Continental Congress, finding Washington hard pressed, ordered Gen. Moore to hasten with two regiments to his assistance, but soon afterwards, because another invasion of North Carolina was threatened, the order was modified, and it was left to the discretion of the Provincial Council whether it should be obeyed; and on October 23d

the Council resolved that the winter was too close at hand and the troops were too poorly furnished to be sent North at that time, and Gen. Moore was ordered to encamp them near Wilmington and New Berne. And indeed on November 16th the Continental Congress itself had recommended that Gen. Moore and his command should remain in North Carolina in a position to repel any attack on this Province, or to aid South Carolina and Georgia, if they should become the theatre of operations during the winter.

There was a general expectation that the British would seek to strike a blow at the South during the cold season, and when the Provincial Congress of North Carolina met in November it resolved to send two battalions of Militia to the aid of South Carolina, and also to raise three additional Continental Regiments for the war. Of these James Hogun, James Armstrong and John Williams were appointed the Colonels. Gen. Moore was also ordered to march his entire command to the relief of Charleston. Gen. Allen Jones was given the command of the Brigade of Militia to be raised and sent to South Carolina. These troops were embodied September 10th, and were to serve five months, their term of service expiring April 10th.

On the 14th of January, 1777, Col. Moore's brigade was at Charleston; but there being more pressing need for our troops to reinforce "the Grand Army," as Washington's army was called, on February 6, 1777, the Council of State directed Gen. Moore to fill the ranks of three of his regiments by transfers from the others, and lead them to the North. On February 5th Col. Nash was promoted by the Continental Congress to be Brigadier General, and was directed to repair to the Western part of the State and superintend the recruiting, for new enlistments were being more slowly made, and the regiments were not being kept up to the mark in numbers.

Indeed, North Carolina was recruiting ground for the entire South. It was considered that she was very strong, particularly at the West. Gen. Rutherford made a return of over ten thousand men for his Militia brigade in the Salisbury District alone. And while Georgia was very weak and constantly exposed to assaults from Florida, South Carolina was not only weak but a large proportion of her inhabitants were disaffected. And thus

the chief dependence for the South was upon North Carolina, and the recruiting service here was highly important. But rapidly succeeding this first order to Gen Nash came a second directing that Gen. Moore and Gen. Nash should proceed with all the Continentals of this State to the aid of Gen. Washington, leaving South Carolina on March 15th. The first six regiments were at that time equipped, but indifferently so, and their ranks were thin from desertion and disease.

Gen. Howe on his first going to South Carolina had been assigned by Gen. Lee to the command of the City of Charleston. Indeed, he probably was ordered by Gen. Lee to Charleston from Virginia, along with the Virginia troops, and was never a Brigade Commander of our North Carolina troops. Gen. Moore ranked him, but in Moore's absence Howe was second only to Lee, ranking Moultrie; and upon Gen. Lee's return to the North Howe succeeded to the command of the Department, and soon afterwards was promoted to be a Major General, and was continued in that command.

On receiving these orders to join the Grand Army with his Continentals, Moore repaired to North Carolina to arrange for their long march. He left Nash in command, and ordered that the troops should join him at Wilmington; however, when the day for the departure arrived Gen. Howe felt that the exigency of his situation was such that he was justified in detaining them. But in April they reached Wilmington and went into camp there. There, unhappily, early in April Gen. Moore died. He was a man of delicate organization, whose body was too frail for his great spirit. He was carried off by an attack of gout of the stomach. Gen. Nash assumed command and marched to the North. A camp was established at Halifax, where all the Continentals were to concentrate before going on to the Grand Army, and another camp and a Hospital were located at Alexandria, where all the N. Carolina troops who had not had the small pox were inoculated before joining the army. The brigade reached Alexandria towards the close of May, and while many were detained there to be vaccinated, two hundred were found to have already had the dread disease, and these were hurried forward to reinforce Washington.

The three other regiments whose organization had been autho

ized were now being collected at Halifax, and though the first efforts of the authorities were to fill the ranks of the older regiments, these efforts were measurably checked by the activity of those officers who were seeking to enlist men for the 7th, 8th and 9th battalions, upon whose prompt completion depended their commissions. The Continental Congress had agreed to receive these additional regiments on the Continental establishment, but it would receive no regiment with less than 300 men enlisted for three years or the war. To obtain men high bounties had to be offered. Money was scarce, and arms and equipments were still scarcer. Numerous recruiting officers representing every regiment and company were scouring the State, while officers from Georgia and South Carolina were likewise engaged in soliciting enlistments for their organizations.

To the West the Militia were absent with Gen. Rutherford, who, having led them to subdue the Scovillites in 1775, was now subjugating the Indians, having three thousand men with him on that expedition.

At the East the brigade of Militia sent to South Carolina under Gen. Allen Jones for five months was still absent in the spring. Besides, the divisions of the people were a hindrance to recruiting, for, while the proportion of tories in North Carolina may have been less than in any other State, yet the number even here was so great as to be a continual menace, and the strength which entire unity would have given was greatly impaired by the influence of the disaffected in every part of the State.

Altogether, after the first impulse of patriotic ardor had subsided, recruiting for the regiments raised for the war proceeded but slowly. It was no easy task to raise the new battalions. Gov. Caswell was very energetic and active, and knowing that much depended on the personal skill of the officers in recruiting as in other matters, and having reason to believe that Col. Abram Sheppard would prove successful, he procured an order of the Provincial Congress directing Col. Sheppard to raise a tenth regiment. Col. Sheppard at that time was in South Carolina in command of one of the battalions of Militia under Gen. Jones. He had served as Lt. Colonel with Caswell at Alamance, and perhaps at Moore's Creek, and had been very efficient as Colonel of the Militia of Dobbs county, and had readily organized the detach-

ment that he commanded in South Carolina. Caswell's confidence in his ability to raise a new regiment led to his appointment, and he was invested with power to appoint his own officers in order to give him additional opportunities for success. But, notwithstanding the activity of himself and his officers, it was long before the requisite three hundred soldiers were enlisted and brought together.

Upon the departure of Gen. Nash from Halifax, Col. John Williams of the 9th was left in command of that camp, and as rapidly as possible recruits for the older regiments were collected there and sent forward in detachments, and the 7th, 8th, and 9th were brought together and their organization perfected. Three officers from each of the nine regiments were detailed to continue recruiting, and on September 1st Col. Williams broke camp and moved the entire force Northward to join the Grand Army.

The 10th regiment was organized at Kinston early in August, 1777, but, although ordered North in September, along with Capt. John Vance's Artillery Company, it was not until November that Col. Sheppard could move, so utterly wretched were the facilities for obtaining needed supplies and equipments.

The regiments that reached Washington early were at the battle of Brandywine, being in the division commanded by Lord Stirling. Later they were at Germantown, where unhappily the brave Gen. Nash fell mortally wounded; Col. Buncombe also wounded unto death and captured; Lt.-Col. Irwin killed and Maj. William Polk badly wounded; and other serious losses were suffered. On the death of Gen. Nash, General Lachlan McIntosh of Georgia was assigned temporarily to the command of the Brigade, to which were united all the N. Carolina regiments as they successively joined Washington's camp.

It was thought that North Carolina, by reason of her large forces in the field, was entitled to have a Major General and two Brigadiers in Washington's army, and our delegates to the Continental Congress urged upon the legislature to express a preference for such appointments. Cornelius Harnett, one of the delegates, wrote that the officers in the army desired that Colonels Sumner and Clarke should be selected, and the legislature so recommended; but Congress delayed action and the year closed without any appointment; all of our ten regiments being with

Washington during the terrible winter at Valley Forge and enduring the hardships that have rendered that encampment memorable in history.

At the West.—The British plan for subjugating the Carolinas contemplated bringing the Indians down upon the frontier, and in the summer of 1776 a stir among the Cherokees was observed, and several massacres occurred. The Council of Safety, being desirous of preventing an outbreak, resolved to sit at Salisbury, where they might more readily prevent an outbreak, but on July the first the Indians, knowing that the British fleet was to attack Charleston, began hostilities in South Carolina. All hopes of peace being thus frustrated, Gen. Rutherford was directed to embody a force of Militia and march into their country, co-operating with Gen. Williamson, who was marching from South Carolina. Genl. Rutherford left Rowan County on July 18th with two thousand five hundred Militia; and Col. Joseph Taylor was ordered to join him with five hundred of the Hillsboro brigade; but before this detachment had crossed the mountains it was thought unnecessary for them to proceed further, and they returned. * Simultaneously with this movement against the Lower Towns and Middle Settlements, Col. Christian of Virginia moved against the Upper Settlements of the Indians, distinguished as the Over-hill Towns, and Gen. Rutherford, being so ordered, sent him a detachment of six hundred North Carolina Militia, under the command of Col. Joseph Williams, Col. Love and Maj. Winston. All of these operations were successful. Gen. Rutherford passed the mountains on September 1st with a force described as “chosen riflemen, the equal of any on this Continent.” At Cathey’s Fort, just this side the mountains, he was joined by Col. Martin Armstrong with a regiment from Surry County, one of whose Captains was Benjamin Cleaveland, and William Lenoir was a Lieutenant in the same company. They destroyed thirty or forty Indian towns and left the Indians in a starving condition.

In February the Indians again became hostile, notwithstanding the treaty of peace that had been informally agreed on, and a detachment of militia was sent to the District of Washington, and one hundred and fifty men were ordered to range on this side

the mountains to prevent Indian depredations. Later Gen. Rutherford was directed to raise eight independent companies, four for Washington and four for Tryon, Burke and Surry, to be employed in building stockades, scouting, &c.

All of this service was fine training for the men who afterwards were destined to play such an important part in resisting the invasions of Cornwallis.

Situation in the State.—It must not be supposed that the disaffected elements throughout the State were entirely quiet after the rout of Gen. McDonald at Moore's Creek in Feb., 1776. In July of that year there were Tories in arms in Surry, and disaffection manifested itself openly in Guilford; and in that month, the Council of State, writing to Gen. Rutherford, tell him that they cannot send him any troops from the Hillsboro brigade as he "well knows himself how many disaffected persons reside in that district and neighborhood." The people were by no means of one mind on the subject of independence and separation. Had they been so, the task of the patriot leaders had been easier; but their daring, their constancy and fortitude would not have entitled them so thoroughly to the gratitude and admiration of succeeding generations. But while every community and section of the State was more or less divided in sentiment, it is to the honor of the public men of that period that no representative of the people, no man who had been honored with their confidence flinched when the test came or failed to move steadily forward through the gloom and obscurity of the doubtful and hazardous issue.

The spirit that animated them is well exemplified in Sam Johnston's letter tendering his resignation of Treasurer of the northern division to which he had been re-elected by the Legislature in April, 1777. "In the infancy of our glorious struggle," he wrote, "when the minds of many were unsettled and doubtful of the event, I joyfully accepted every appointment that was offered by my fellow citizens, and readily stood forth to give testimony of my concurrence and approbation of every measure which tends to the security of the most inestimable rights of mankind; at this period when the Constitution of this State is happily, and I flatter myself, permanently established, when all doubts and apprehensions are entirely removed, and a number of gentlemen of unquestionable integrity and abilities are ready to offer their

services in every department, I most humbly request the favor of being permitted to decline that very honorable and lucrative appointment."

But although many may have been willing then to take office, still there was a large disaffected element.

A test oath was required by act of assembly to be tendered to all citizens, and those who refused to take an oath of fidelity to the State were required to give bond and security to depart the State in sixty days. This led to the exile of large numbers of loyalists, among them being Col. Hamilton, a Scotchman who resided in Halifax, and who going to Florida organized there a regiment of North Carolina Loyalists.

Indeed Col. David Smith of Cumberland informed Gov. Caswell in July, 1777, that "it was evident that two-thirds of Cumberland county intend leaving this State and are already become insolent, and it is apprehended will be troublesome."

About the same time there were such movements that apprehensions were aroused that a hostile outbreak was intended; and Col. Williams was ordered to march the Continentals from the camp at Halifax to Cross Creek, and Col. Sheppard to lead the 10th regiment from Kinston to that point, while Gen. Ashe was directed to call out the militia of the Wilmington district to protect the magazine of stores at Wilmington.

While it appears that a hostile rising was not then intended but that the object of the great crowd that came together to Cross Creek from Duplin in the east to Orange, Chatham and Guilford in the west was merely to take the salt stored there at their own price, yet the affair illustrates the fact that the authorities were alive to a widespread disaffection throughout the State. Indeed Gen. Ashe on that occasion, says that he found so much disaffection at Wilmington and the surrounding country, that he did not believe that the well affected part of the militia of that county would exceed three hundred men! It was just at that time, July, 1777, that a conspiracy for the tories to rise and fall upon their neighbors throughout the Eastern counties was discovered. Lt.-Col. Irwin, of the Continentals, being at that time at his home in Tarborough, wrote to Gov. Caswell, "I am sorry to inform you that too many evil persons in this and the neighboring counties have been joined in a most wicked conspiracy; but I am in hopes

it may be stopped as many have come in and made all the discovery they know of. About thirty of them made an attempt on this place, but luckily I had about twenty-five men to oppose them, and I disarmed the whole and made many take the oath."

The principal mover in that plot was supposed to be Mr. Brim-age, who was a person of some consequence in the north-eastern section. He was arrested and eventually sent out of the State. These disaffected persons not only interfered with the recruiting, but were a menace to the public peace and, particularly, to the magazines in the different sections of the State, and made it necessary that whenever any ammunition was moved that it should be strongly guarded.

Civil Affairs.—On the adoption of the Constitution by the Fifth and last Provincial Congress, Caswell was by an ordinance of the Congress declared to be Governor of the State until the end of the next session of the General Assembly, and a Council of State was appointed to sit with the Governor whenever any important business was to be transacted. The Congress also provided for Courts of Justices of the Peace, and, because the jails were filled with criminals, also for temporary Courts of oyer and terminer, to be held in the several districts. Gov. Caswell appointed the Judges to hold these courts, and in some of the districts they were held during the months of February and March.

The first General Assembly of the State met at New Bern, on the 7th of April, 1777. Sam Ashe was Speaker of the Senate and Abner Nash of the House. On the 18th of April Caswell was re-elected Governor; and acts were passed for regulating the Militia; for establishing Criminal Courts, and also Courts of Pleas and Quarter Sessions; to promote recruiting; concerning tories; for a general assessment; to carry on the Indian war; and to establish Courts of Admiralty, while Collectors of Customs were appointed for the various ports.

Gen. John Butler was elected Brigadier General in the Hillsboro district, succeeding Gen. Person, and Genl. William Bryan for the New Bern district to succeed Gov. Caswell. While care had to be taken to guard against the incursions of the Indians at the West, and the East was threatened with British invasion, and

the disaffected at home were a menace, the energies of the administration rose equal to the occasion and every necessary detail received careful attention. Even ships of war were fitted out and equipped, and vessels sent out to bring in supplies. We joined Virginia in building two vessels to protect our inlets, and at Edenton the Brig "Pennsylvania Farmer" and the "King Tammany" were fitted out, and at New Bern the privateers "Sturdy Beggar" and the "Nancy" were prepared for sea, and at Wilmington the "General Washington."

Efforts had been made to establish a foundry at Deep River to cast cannon and balls, and strenuous endeavors were made to increase the supply of powder, lead and salt and to obtain needed munitions of war and clothing for the soldiers.

In short the duty of preparing for a long and exhaustive war and of putting in successful motion the wheels of the new government engaged the constant services of those devoted patriots, who fully realizing that they must "hang together or be hanged separately," addressed themselves to the business of government with a prudence, sagacity and firmness that challenge admiration.

Where all were so zealous and capable, it might be invidious to particularize any in these notes; but the Editor cannot refrain from directing particular attention to the communications to the Governor by Dr. Burke, one of the delegates to the Continental Congress, and regretting that the practice he began of journalizing the proceedings of that body was not continued. His letters show that Dr. Burke was one of the foremost men of his day and give him easy rank along with Johnston, Harnett, Hooper, and the other distinguished men of the period; while of Caswell we may safely say, that he certainly was the right man in the right place.

COLONIAL RECORDS.

SUPPLEMENT.

Papers from 1730 to 1776, which have been obtained since the publication of the 10 Vols. of Colonial Records.

1730.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 55. P. 65.]

Copy of the King's Warrant appointing James S^t John Surveyor of Lands in South Carolina and Inspector of Quit Rents in North and South Carolina of £100 p^a Ann: Proclamation Mony of Carolina during Pleasure.

March 22nd 1730;

GEORGE R.

George the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c: to all to whom these presents shall come Greeting Whereas by means of good and sufficient assurances in the Laws and by virtue of an act of Parliament passed in the second year of our Reign Intituled An Act for establishing an Agreement with seven of the Lords Proprietors of Carolina for the surrender of their Title and interest in that Province to his Majesty We our Heirs and Successors are seized In right of our Crown of and in all these seven undivided Eighth parts (the whole into eight equal Parts or Shares to be divided) of and in sundry Provinces or Territories called Carolina which his late Majesty King Charles the Second granted in perpetuity to sundry Persons in the said Act named their Heirs and Assignes and made created and constituted the same Persons their Heirs and Assignes the true and absolute Lords and Proprietors of the said Country and by virtue of the same assurances and Act of Parlia-

ment seven eighth parts the whole into eight equal parts to be divided of all and every arrears of Quit rents and other Rents sum and sums of money debts duties accounts Reckonings Claims and demands whatsoever then due and owing to the said Lords Proprietors are vested in us our Heirs and Successors as in and by the said conveyances and assurances the Tenours whereof are recited in the said Act and also by the said Act relation being thereunto had may more fully and at large appear. Now Know ye that we very much confiding in the Ability Care and Fidelity of our Trusty and Wellbeloved James St John Gent have nominated constituted and appointed and by these Presents do nominate constitute and appoint him the said James St John to be our Surveyor General for the admeasuring Surveying and setting out of Lands in that part of our Province of Carolina called South Carolina and to do execute and perform by himself or his sufficient deputy or deputies all things whatsoever which belong to the said office of surveyor general and to receive and take all Fees Perquisites Profits and Advantages whatsoever thereunto incident or appertaining. And Whereas we are advised it will be for our service that a particular officer should be appointed to inspect and comptrole the Quit Rents and other Rents and Revenues arising to us as well within our said Province of South Carolina as within our Province of North Carolina Know ye therefore that we have nominated constituted & appointed and do by these Presents nominate constitute and appoint him the said James St John to be the Inspector and controller of the Quit Rents and other Rents and Revenues arising to us as well within our said Provinces or Territories aforesaid To have hold exercise and enjoy as well the said office of Surveyor General as the said office of Inspector and Controller by himself or his sufficient deputy or deputies for and during our pleasure and we do hereby charge and require the said James St John in the exercise and execution of the said respective offices or either of them to observe and perform all such orders Rules and Instructions as either We or the High Treasurer or Commissioners of our Treasury for the time being or our Commissioners for Trade & Plantations for the time being shall in that behalf from time to time think fit to order direct and appoint And for the encouragement of the said James St John to execute the said respective Offices and every of them in all things as becometh We have given and granted and

do by these presents give and grant unto the said James S^t John the salary or allowance of one hundred pounds ꝓ ann: in the Proclamation money of Carolina which said allowance of One hundred pounds per. ann: is to commence from the day of the date hereof and to be had and received by him or his assigns from time to time Quarterly during our Pleasure out of our said Quit rents or other our said Rents and Revenues by the hands of the Receiver General thereof for the time being and the acquittances of the said S^t John or his assigns for the same shall be unto our said Receiver General good and sufficient discharges for the payment thereof. And we do hereby order and direct that these presents be forthwith entered and inrolled before the Lords Commissioners for Trade and Plantations and before the Auditor and Surveyor General of our Revenues in America and being so entered and inrolled we do charge and require all our Governors Lieut: Governors Commanders in Chief and other our Officers and Ministers whatsoever within our said Provinces and Territories to take notice thereof and to be aiding and assisting unto the said James S^t John his Deputy or Deputies in the due Execution of any the Offices to which he is hereby nominated in all things as becometh and as our Service may require. Given at our Court at S^t James this 22^d day of March 1730, in the fourth year of our Reign.

By his Majesty's command

Sign'd,

R. WALPOLE,
W^m CLAYTON,
W^m YONGE.

Intratur in Offic Horat Walpole

Armig Audit Americ 26 die

March 1731 Anno Rni Georgii

2^{di} Reg Quarto

Pet: Leheup.

[B. P. R. O. PLANTATION GENERAL B. T. VOL. 55. PAGE 76.]

King's Warrant for John Hammerton Esq—Receiver General of His Majesty's Revenues in Carolina during his Majesty's pleasure.

16th SEPTEMBER 1730.

George the Second by the Grace of God of Great Britain, France and Ireland King Defender of the Faith &c^a.

To all to whom these Presents shall come Greeting.

Whereas by means of good and sufficient assurances in the Law, and by virtue of an Act of Parliament passed in the second year of Our Reign intituled [An Act for Establishing an Agreement with seven of the Lords Proprietors of Carolina for the Surrender of their Title and Interest in that Province to His Majesty] We Our Heirs and Successors are seized in right of Our Crown of and in all those seven undivided eighth Parts the whole into eight Parts or Shares to be divided of and in sundry Provinces or Territories called Carolina which his late Majesty King Charles the Second granted in propriety to sundry Persons in the said Act Named their Heirs and Assigns and made, created and constituted the same Persons their Heirs and Assigns the true and absolute Lords and Proprietors of the said Country. And by virtue of the same assurances and Act of Parliament seven eighth parts, the whole into eight equal Parts to be divided of all and every the Arrears of Quit Rents and other Rents, Sum and Sums of money, Debts, Duties, Accounts, Reckonings, Claims and Demands whatsoever then due and owing to the said Lords Proprietors are vested in Us Our Heirs and Successors as in and by the said Conveyances and Assurances the Tenours whereof are recited in the said Act, and also by the said Act relation being thereunto had may more fully and at large appear. Now to the end Our Estate and Interest as well in the said seven undivided eighth Parts of the said Provinces and Territories as in the said seven undivided Eighth Parts of the said Arrears and likewise in seven undivided Eighth Parts of all Quit Rents and other Rents, Sum and Sums of money, debts, duties, Accounts, Reckonings, Claims and Demands arising, accruing or otherwise becoming due and payable unto Us from time to time

may be known had received taken and accounted for in manner as they ought to be.

Know ye that We very much confiding in the fidelity, care and circumspection of Our Trusty and Welbeloved John Hammerton Esq. have nominated, constituted and appointed, And do by these Presents nominate, constitute and appoint him the said John Hammerton to be Our Receiver General not only of all Rents, Revenues, or other incomes whatsoever arisen or to arise or become due and payable unto us by reason or means of our said respective seven eighth Parts afore described but also of all other Rents, Revenues, Fines, Forfeitures or other Incomes whatsoever, arising, becoming due and payable or which shall or may arise and become due and payable unto Us in right of Our Crown within Our said Provinces and Territories of Carolina. To have and to hold the said Office unto him the said John Hammerton for and during Our pleasure And We do hereby give full Power and Authority to the said John Hammerton to give Receipts or Acquittances for the sums which shall from time to time he had received and taken by him Which Receipts shall be good and sufficient Discharges for the sums contained therein. And the said John Hammerton is hereby also authorized and empowered in case of non payment of any of the Rents, Revenues, Incomes Sum or Sums of money whereof he is appointed Our Receiver to levy the same by distress, and sale of such distress, rendering the Overplus if any to the Owner or by such other ways and means for recovering our rights and dues as the Laws of Our Kingdom of Great Britain or the Laws of Our said Provinces of Carolina do and shall warrant and allow in Cases where the Payment of the Revenues and Incomes of any kind due to and belonging to Our Crown are delayed or not duly and punctually paid or in danger of being lost. And to the end the said John Hammerton may be encouraged diligently to attend the said Office of Receiver General and to execute the same with care and fidelity And We may be acquitted and released from all Cravings and Demands whatsoever in respect to any Charges or Expences that he shall or may be at in exercising or executing the same. We are Graciously pleased to grant and allow unto him the sum of Ten pounds £ Centum upon and for all Monies or value of Monies which shall be received taken and collected by him within Our said Provinces or Territories and with which he shall be charged

from time to time in his Accounts. And We do hereby give full power and authority to the said John Hammerton to retain and keep to his own use out of the produce of his said Receipt the said Allowance of ten pounds per Centum accordingly. And the said John Hammerton is hereby required to account yearly and every year upon Oath for the Monies of his said Receipt before the Auditor and Surveyor General of Our Revenues in America for the time being, and to answer and pay the monies that shall from time to time be and remain in his hands in such manner as We by Warrants under Our Royal Sign Manual to him directed or by any Instructions under Our Royal Sign Manual to Our Governors or Commanders in Chief of those Our Provinces or Territorys for the time being shall direct and appoint and not otherwise. And Moreover We do hereby charge and require the said John Hammerton to give or secure good security to be given in Our Court of Exchequer in this Our Kingdom to the good liking of the Commissioners of Our Treasury, for the due exercise and execution of the said Office of Receiver General and accounting yearly to our said Auditor and Surveyor General of Our Revenues in America in manner before directed. And We do hereby order and direct that these Presents be forthwith entred or inrolled before the said Auditor and Surveyor General. And being so entred or enrolled we do charge and require all Our Governors, Lieutenant Governors, Commanders in Chief and other Our Officers and Ministers whatsoever within Our said Provinces and Territorys to take notice hereof, and to be aiding and assisting unto the said John Hammerton in the due exercise and execution of the said Office of Receiver General in all things as becometh and as Our service may require.

Given at Our Court at Windsor Castle this sixteenth day of September 1730 in the fourth year of Our Reign.

By His Majesty's Command.

R. WALPOLE
W. CLAYTON
WILL YONGE.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 56, P. 108.]

King's Warrant appointing Daniel Germain Provost Marshall and Commissary in North Carolina.

30th NOVEMBER 1730.

GEORGE R,

Trusty and welbeloved We greet you well. Whereas We have taken into our Royal consideration the Loyalty Integrity and conduct of our Trusty and welbeloved Daniel Germain Esq^{re} We have thought fit hereby to authorize and require you forthwith to cause Letters Patents to be past under Our Seal of that Our Province of North Carolina in America, for constituting and appointing him the said Daniel Germain Provost, Marshall, and commissary of and in Our said Province To have, hold, exercise and enjoy the said office unto him the said Daniel Germain by himself or his sufficient Deputy or Deputies during our pleasure, together with all and singular the Rights, Salaries Fees, Profits, Privileges and emoluments thereunto belonging or appertaining, and for so doing this shall be your Warrant. And so We bid you Farewell. Given at Our Court at St. James's the thirteenth Day of November 1730, in the Fourth year of our Reign.

By His Majesty's Command

HOLLES NEWCASTLE

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 56, P. 107.]

King's Warrant appointing John Montgomerie Esq^a Attorney General for North Carolina.

30th NOVEMBER 1730.

GEORGE R,

Trusty and welbeloved, We greet you well. Whereas we have taken into our Royal consideration the Loyalty integrity and ability of our Trusty and welbeloved John Montgomerie Esq^{re} We have thought fit hereby to authorize and require you forthwith to cause Letters Patents to be passed under Our Seal of that Our Province of North Carolina in America for constituting and appointing him the said John Montgomerie Our Attorney General

of and in Our said Province To have, hold exercise and enjoy the said Office unto him the said John Montgomerie during our pleasure and his Residence within Our said Province together with all and singular the Rights Salaries, Fees, Profits, Privileges and Emoluments thereunto belonging or appertaining and for so doing this shall be your Warrant. And so We bid you Farewell. Given at Our Court at St. James's the 30th Day of November 1730 in the Fourth year of our Reign

By His Majesty's Commands
HOLLES NEWCASTLE

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 56, P. 106.]

King's Warrant appointing Nath^l Rice Esq^r Secretary or Clerk of the Crown in North Carolina.

30th November 1730.

GEORGE R,

Trusty and welbeloved we greet you well. Whereas We have taken into our royal Consideration the Loyalty Integrity and Ability of our Trusty and Welbeloved Nathaniel Rice Esq^r We have thought fit hereby to authorize and require you forthwith to cause Letters Patents to be passed under Our Seal of that Our Province of North Carolina for constituting and appointing him the said Nathaniel Rice Secretary and Clerk of the Crown of and in Our said Province To have, hold, execute and enjoy the said Offices during our Pleasure and his Residence within Our said Province together with all and singular the Rights, Salarys, Fees, Profits, Privileges and Emoluments thereunto belonging or appertaining. And for so doing this shall be your Warrant.

And so we bid you Farewell. - Given at Our Court at St. James's the 30th Day of November 1730 in the Fourth year of Our Reign

By His Majesty's Commands
HOLLES NEWCASTLE

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 55. P. 85.]

King's warrant appointing William Smith Esq^{re} Chief Justice of North Carolina.

30th November 1730.

GEORGE R.

Trusty and Welbeloved we greet you well. Whereas we have have taken into Our Royal Consideration the integrity and ability of our Trusty and welbeloved William Smith Esq^{re} We have thought fit hereby to require and authorize you forthwith to cause Letters Patents to be passed under Our Seal of that Our Province of North Carolina in America for constituting and appointing the said William Smith Our Chief Justice of and in Our said Province; To have hold execute and enjoy the said Office during Our Pleasure and his Residence within Our said Province together with all and singular the Rights Profits Privileges and Emoluments into the said Place belonging or appertaining with full Power and Authority to hold the supreme Courts of Judicature at such Places and Times as the same may and ought to be held within Our said Province. And for so doing this shall be your Warrant and so we bid you Farewell. Given at our Court at St. James's the thirtieth Day of November 1730. in the fourth year of Our Reign.

By His Majesty's Command

HOLLES NEWCASTLE

To Our Trusty and Welbeloved George Burrington Esq^{re}, Our Captain General and Governor in Chief of our Province of North Carolina in America, and in his Absence to our Commander in Chief or to the President of our Council of our said Province for the time being.

1731.

[B. P. R. O. S^o CAROLINA B. T. VOL. 7, E. 79.]

A Copy of Mr. Wates's Journal to North Carolina begun May 10th 1731.

On Monday the 10th of May at Edintown I had the opportunity of speaking with Will^m Blunt the intended King of the Tuskerorers and Capt. George and six other Indians who came there as they were sent for by Governor Burrington to meet me.

And in the presence of the Gov^r and Col. and some of the Assembly I showed them the Instructions I had received under the Great Seal and by the Interpreter Will^m Charlton tould them that was the substance of what I was sent to say to them that it was the words of the Gov^r & Con^l and Great men in S^o Carolina and that I was come to know the reason why they came into our Government to take away our Slaves and kill our cattell and take and kill the free Indians that lived amongst us and had no Warrs with them.

To which they answered it was not them but it was the Seene-cass that had done it.

I replied that was faulse that I had seen their tracts all along the path to Cape fair and had spoke with John Bennett M^r Pawly Capⁿ George Bennet and that the man with me knew 2. or 3. of them also Who coming in they began to talke amongst themselves.

Upon which I had the interpreter aske them if they did not know the man that I expected they were sent by King Blunt to talke true and not to tell me lies.

Upon which they confes'd they had been at his House but did not want to carry away the woman there but that the man was afraid for nothing.

I bid the Interpreters to ask them if that was nothing also to take M^r Mashos Indian Slave before his face and kill the horses upon the spot.

To which they answered it was not them that it was the Senecas's and that man pointing to one of their company was with them and tould them it was not good for them to do so and that they must not meddle with Slaves but that signified nothing for they would not hear him.

I bid the Interpreter aske them if they had not formerly been sent for down before the Governor when they had been in our Settlements and killed severall Indians and carried away a slave from M^r Sumerhoof at Winyaw which slave they had brought and delivered up to Co^{ll} Moore If then they did not promise to come no more into our settlements yet now they had broke that promise and did not regard it.

They answered it was true they did promise so but that last fall some Indians came to the head of new river and killed Cap^t Jack and wounded one more of their people and a party of Senecas's coming to their Town to go against the Catabos's they went out with them and coming to that place followed the tract to the head of Wacamaw River and did beleive they came down that River into our Settlements and that they found a small Fort and some Indians between Santee and Winyaw Rivers at a White Mans Plantation and in the night they went up to the Fort and fired in, but could not tell if they killed any or not and so returned directly.

I reply'd it was true what they said about the Fort but that they had been at a Plantation at Black River also and there in a very rude way took some shirts that were in wash and put them on and also carried away some cloth and that they had killed cattell in 2. or 3. places now as well as formerly that they could have no pretence of Warr with our neighbour Indians but because they came with us against them in the N^o Carolina Warr and we looked upon their doings as if they wanted warr with us.

But they answered they did not want warr with us that it was the Senecass had done that and they were blamed for nothing that the same man was with them when they took the shirts and cloth as was by when they took the slave and all he could say to them signified nothing.

I had the Interpreters tell them I knew it was certainly them for Cap^t Peter who I did expect would come with them and who they say is now a beaver hunting has been twice in our settlements and done mischief and his being absent now looks like as if they had left him in S^o Carolina hunting for our slaves and killing our Cattel for I knew this was not the time to hunt beavers.

They answered that the S^o Carolina Indians were now about their Towns that they had seen their Tracts and both cattle and

hogs that they had killed and some of their children going for wood saw one of them.

I asked them if it was their cattell and hogs that were killed. They reply'd it was the white peoples. Upon which I asked them if the White people had sent to them to complain and had the Interpreter tell them that severall of the gentlemen there had tould me that when they had killed their cattle or hogs they would say they saw the tracts of S^o Carolina Indians and so indeavour to lay the blame of it upon them as they did to me upon the Senecas's in South Carolina.

Upon this they took some time to taulk amongst themselves and the Interpreter being asked what they said reply'd they said it signified nothing to taulk with me any more for I would not believe them and as long as I would not believe them for what did I give them the trouble of coming 40 miles for nothing.

To this I had the Interpreter tell them I had come four hundred miles to taulk with them and did they think much of coming 40 miles that I did believe them it what was true but when they told lies and said they did no hurt in S^o Carolina but laid it upon the Senecas's who were not there to answer and when I knew they did attempt to carry away my slave before and tried to break into the houses several times in the night and Capⁿ George had told M^r Pawly that they were Senecas's and would not speak English till John Bernet came who knew him very well then he could speak English and tould M^r Pawly that they were Senecas's, and Tuskerorer's were all one yet now you make a difference and lay all the blame upon the Senecas's though you yourselves own that you came down into our settlements with them and that that man of yours was with them all along. No I am not come so far to hear and believe lies lett the Govern^r judge if you speak true.

Upon which the Governor had the Interpreter tell them it was very evidently plain it was them and that their laying it upon the Senecas's if any Senecass were with them that was nothing to the purpose and no excuse for them for they had confessed they went out with them and one of their people was with them at taking the slave and killing the horse and taking the shirts and cloth before the white peoples face.

After some taulk amongst themselves they answered they thought they should have blame about it but they could not help

what the Senecass had done but for themselves they would go no more into our settlements if I would forgive them this time and speak to the Governör when I went back to forgive them.

But I had the Interpreter tell them that would not do for I was commanded by the Governor to demand payment for the damages they had done and a delivery of the slaves they had taken without which I could settle no terms of peace or friendship with them.

Upon which they asked for what slaves and for what damages I wanted pay I answered them for 3 cattell and a horse of M^r Pawleys and for two more at Black River of M^r Henlys formerly when Capⁿ Peter came into our settlements and now M^r Mashos slave and horses and for a cow and calf they had killed and for the shirts and cloth they took and for a slave of M^r Bells which they took away from Black River about three months past.

They bid their Interpreter aske me who see them take that slave.

To which I answered nobody but that they were seen that very time about the Plantation and I knew by their asking who see them take him that it was some of them because I found they knew nobody saw them take him.

After a short taulk amongst themselves they asked if the fellow had a gun for may be he was run away.

I answered he had a gun as they knew well enough but they wanted to make me believe he was run away.

They answered they knew nothing of it nor of the cattle formally and as to what was done now the Senecas who did it must pay for it.

To this I bid the Interpreter ask them if they knew nothing of the Slave also that Cap^t. Peter took from M^r Sumerhoof and returned to Coll: Moore when he went up to their Towns. and threatened them to bring the Catabos's upon them that now they began to taulk lies to me as they did before and say I must look to the Senecas's for pay when I have followed their Tract all along the path and no it is them and none elce and that Cap^t George there told M^r Ash he would go through our Settlements in the fall with 50 men to look for Indians at the Southward.

To this they made no answer but taulked some time amongst themselves till I bad the Interpreter ask them again if they would make any payment for this last damage or return the slaves and if not I

was ordered to tell them our Gov^r would look on them as Enemys and send the Cherokees and Catawbos's to cut them off. That the former Gov^r had sent a letter now I was sent and if this not do they might be assured the next would be an Army to bring them to reason.

They answered the Cherokees and Catawbos were at warr and they killed one another which they knew and did not fear they would both come against them.

I reply'd they were no way to suffer if it was so far it was in the power of our Government to make them friends when we pleased and if there was neither Cherokees or Catabos's as we ourselves had men and strength enuff to cut them all off and if we came it would be much the worse for them for they might ask the Governor if we were not all one people under one great King and if the injuries they did was not the beginning of a war with us all N^o Carolina must be their Enemys also and help us and this you all must know if you remember in the old warrs that we were all one people.

To this they answered that they did not nor would not do any to us to cause a Warr but why could we not let them that were Indians alone to make war against Indians without our meddling with it.

I answered they might war with the Indians without our settlements Till they had enuff of it if they did not come into our settlements to kill our cattle and take our slaves and rob houses but they did so and would make no reperation I was sent to let them know that we could look on them no other ways but as enemys designing to make war upon us.

They answered they had often told me it was not them that did us hurt and if I had nothing to say more they wanted to make haste home because they had discovered some Catabos's about their Towns before they came down that the Senecas's had carried Mashos slaves by their Town four days before they were sent for and if I wanted any pay I must look to them for it.

I told them at my return our Gov^r would soon write to the Governor of New York to let the Seneca's know what lies they tould of them and that in the mean time they would find warr enuff from the Catabos's without going to seek for it in S^o Carolina.

To which they bid the Interpreter to ask me if white men would come with the Catabos's to war.

I answered they knew that the Catabos's and Soponis were three times stronger than they and that there was no occasion for to send White men but if they were any more seen within our settlements they should soon find white men and Indians enuff to cut them off and leave them neither Town nor People and since they were so obstinate as to refuse to make good any damages they had done that was all I had to say to them.

Upon which the Governor bad the Interpreter tell them that the Gov^r and people of S^o Carolina had all the reason in the world to be angry with them that he would have them go out and consider what I had said to them and agree to pay me for if the S^o Carolina Indians came against them he would give them no assistance and if they did any more injuries and the White people came against them he himself must be against them also and therefore they had better to consider well of it.

Att which they all went out and two or three hours after tould the Governor they could not agree to pay anything upon which he told them to tell me for I must carry back the answer they answered they would tell me by and by and the next morning they gave me the same answer that they could not pay any thing.

But that they would come into our settlements no more but could not engage for the Senecas's not coming.

[B. P. R. O. S^o. CAROLINA. B. T. VOL. 7. E. 79.]

SIR

I am much honoured with your Excellency's commands which I received in a letter delivered by Cap^t Watis.

We are all very certain in this country that the Tuscarora Indians are very great scoundrells they have been before me in Council examined and interrogated by Cap^{tn} Watis most of the facts charged on them fully proved yet they absolutely refuse to make any satisfaction. The good people in this Province are far from liking the vile Practises of these fellows and will not assist them on any occasion but rather favour any men you send against them—These Tuscaroras were in a very peaceable and quiet way before Sir Richard Everard was Governor but they are absolutely

at this time without any Government among themselves Mr Watis will inform your Excellency that I used my endeavours to persuade them to give reasonable Satisfaction for the injures they had done your people I shall be very proud to receive your commands upon all occasions that offer for your Service and desire the honour to call myself

S^r

Your Excellencys

most humble

and most obedient serv^t.

GEO. BURRINGTON.

North Carolina

May 11th 1731.

[B. P. R. O. AM: & W. IND: VOL: 114.]

At the Council Chamber Whitehall the 17th day of December 1731.

By a Committee of the Lords of His Majestys most Honourable Privy Council.

His Majesty having been pleased by His Order in Council of the 29th of last month to referr unto His Committee the humble Petition of William Smith Chief Justice of North Carolina on the behalf of the Assembly several Members of the Council the principal Inhabitants Planters Merchants Patent Officers and Traders of His Majesty's Said Province containing Several Articles of Complaint against George Burrington Esq^{re} His Majesty's Governor of that Province. Their Lordships this day taking the same into consideration and thinking it proper before the hearing of the said Petition of Complaint that a Copy thereof should be transmitted to said Governor for his answer are thereupon pleased to order that a Copy of the said Petition and Complaint (which is hereunto annexed) be transmitted to the said Governor who is hereby required to return to this Board an answer thereunto together with such depositions or other proofs as he shall think necessary to support the same and that free liberty be given to the Complainant or his Attorneys or any other persons concerned to make Affidavit before any Judge or Magistrate in the said Province of what they know touching the same and that such Judge or Magistrate do

summon before them such Persons as the Complainant or his said Attorneys shall name which the said Governor is to signify to such Judge or Magistrate as soon as may be and that the Complainant or his attorneys do deliver unto the said Governor Authentick Copy of such affidavits as shall be made in this matter as also that the said Governor do deliver unto the said Complainant or his Attorneys a Copy of his answer and of such Depositions as he shall think necessary for his defence within the space of one month after the receipt of this order as also that within twenty days after receiving each others proofs the S^d Gov^r do in like manner exchange with the said Complainant the Replys that shall be made by affidavits or otherwise before they be transmitted to their Lordships and that the whole proceedings herein be returned to this Board under the Seal of the said Province within the space of six months from the date hereof And His Maj^{ty}s said Gov^r of N^c Carolina & all others whom it may concern are to take notice hereof & govern themselves accordingly. And in regard M^r Lovick late Sec^{ry} of the said Province & M^r Little late Receiver thereof are charged in the said Petition of Complaint with having let out great quantities of Land at a low Quit Rent without any authority from the Crown on the late Proprietors of the Provinces & without having rendered any account thereof to His Maj^{ty} The Lords of the Committee do therefore hereby order that Copys of the said Petition be likewise transmitted to the said M^r Lovick and M^r Little.

1732.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 55 P. 86.]

King's Warrant appointing William Smith Esq^{re} Chief Baron in North Carolina.

11th May 1732.

GEORGE R,

Trusty and welbeloved we greet you well, Whereas we have taken into our Royal Consideration the integrity and ability of our Trusty and wellbeloved William Smith Esq^{re} Our Chief Justice of and in Our Province of North Carolina in America We have thought fit hereby to authorize and require you forthwith to cause

Letters Patents to be past under Our Seal of that our said Province for constituting and appointing him the said William Smith, Our Chief Baron of Our Court of Exchequer in our said Province; To have hold and enjoy the said Office during Our Pleasure and his Residence within Our said Province together with all and singular the Rights Profits Privileges and Emoluments unto the said Place belonging or appertaining. And for so doing this shall be your Warrant. And so We bid you Farewell. Given at Our Court at St. James's the Eleventh Day of May 1732. In the Fifth year of our Reign

By His Majesty's Command

HOLLES NEWCASTLE

To our Trusty and Welbeloved George Burrington Esq^r Our Captain General and Governor in Chief of Our Province of North Carolina in America And in his Absence to Our Commander in Chief the President of Our said Province for the time being.

[B. P. R. O. S^c. CAROLINA B. T. VOL: 7. E. 77.]

South Carolina.

Two bits of printed Paper relating to the Dispute about the Boundaries between South and North Carolina; referred to in Col: Johnson's letter of 15. Dec: 1732.

Rec^d Feb^r 22^d 1733.

I being very much surprized at His Excellency Governor Burrington's Advertisement in this Paper of the 27th Instant relating to the Boundaries of the two Colonies of North and South Carolina and his manner of interpreting His Majesty's Instruction relating thereunto think it proper for the better information of those concerned to publish what I know concerning the Intention of His Majesty's said instruction which is as follows.

Governor Burrington and myself were summoned to attend the Board of Trade in order to settle the Boundaries of the two Provinces Governor Burrington laid before their Lordship's Col: Moseley's Map describing the Rivers of Cape Fear and Wackamaw and insisted upon Wackamaw River being the Boundary. from the mouth to the head thereof, &c:

We of South Carolina desired their Lordships would not alter their first Resolution which was that a Line should be run beginning at the sea thirty miles distant from the mouth of Cape Fear River on the South-west Side thereof &c: as the first part of the Instruction published by Governor Burrington sets forth: and their Lordships then concluded that that should be the Boundary unless the mouth of the Wackamaw River was within thirty miles of Cape Fear River, in which case, both Governor Burrington and myself agreed Wackamaw River should be the Boundary. And I do apprehend, the word mouth being left out of the last part of the instruction, was only a mistake in the wording of it. And I think it proper farther to inform those it may concern that I have acquainted the R^t Honourable the Lords of Trade of the different Interpretations Governor Burrington and myself have put on His Majesty's aforesaid instructions and have desired His Majesty farther orders thereon

R. JOHNSON.

I am informed that several persons in South Carolina have taken out Warrants there to survey land there on the North side Wackamaw River and on the Lands formerly possessed by the Congoree Indians which are now within this Government: therefore to prevent unadvised people from parting with their money to no purpose and to give Satisfaction to all persons whom it may concern I have transcribed His Majesty's Instructions for ascertaining the Bounds of the two Governments of North and South Carolina.

Instruction the 104th "And in order to prevent any Disputes that may arise about the Southern Boundaries of our Province under your Government We are graciously pleased to signify our pleasure that a Line shall be run (by Commissioners appointed by such each Province) beginning at the Sea 30. miles distant from the mouth of Cape Fear River on the South-west thereof, Keeping the same distance from the said River as the course thereof runs to the main source or head thereof and from thence the said Boundary Line shall be continued due West as far as the South-Seas; but if Wackamaw lies within 30. miles of Cape Fear River then that River to be the Boundary from the Sea to the head thereof and from thence a due west course to the South-seas.

For the satisfaction of all Men that bought Lands of the late Proprietors, (before the King's purchase was completed) situated

on the North side Wackamaw River or in any other part between Cape Fear River and the line given by His Majesty to this Government I give notice their Rights and titles to all Lands so purchased as aforesaid are deemed and allowed to be good and lawfull by this government.

N. B. The above recited Instruction is the same in His Excellency Governor Johnson's and mine except the word Southern before boundaries which is altered to Northern in His. The head of Wackamaw river is within 10 miles of Cape Fear River and is not distant so much as 30. miles in any place but a few miles before it runs into Winyaw Bay.

GEORGE BURRINGTON.

North Carolina.

Sept: 11. 1732.

[B. P. R. O. S^c CAROLINA B. T. VOL: 7. E. 72.]

CHARLES TOWN. the 28th Sep: 1732.

MY LORDS,

* * * * *

[Extract.]

Governor Burrington has by letter desired a Gentleman of this Province to advertize in the News Papers printed in Charles Town that all land on the North side of Wacamaw River is by the King's Instructions in North Carolina Government and who ever has a mind to take up Lands there must take out their Grants in North Carolina your Lordships may remember how much he insisted at your Board to have all Wacamaw River the Boundary of the two Governments and that you were pleased to allow him but only 30. miles to the South of Cape Fair River Keeping the course of that River to the head thereof but he now interprets the latter part of His Majesty's 110th Instruction his own way waves the first part of it and says because Wacamaw River does 100. or 200. miles from the sea come within 30. miles of Cape Fair River that River is to be the Boundary from the mouth of it: I did a twelve months ago by the advice of the Council write him word that he would send Comm^{rs} to meet his and Settle the boundaries but he has not answered that Letter and now desires the aforesaid

advertisement to be published which makes it appear what he designs to insist upon and I fear no boundary can be settled unless y^r Lordships please to declare that the Intention of that Instruction is that he shall have no more than 30. miles to the South of Cape Fair River unless the mouth of Wacamaw River lyes within 30. miles of Cape Fair River which it does not for it is near 90. miles and comes into Wyniaw Bay as was made appear to your Lordships by the Map then before you for the River keeps a course Parralel to the sea a great way and makes a great neck of land which would bring his boundary into the bowels of our present Settlements on that side the Province therefore hope your Lordships will please to continue the Intention of the Instruction and let him and me know your pleasure.

I am

with great respect

My Lords

Your Lordships most obedient

and most humble servant:

ROB^t JOHNSON.

Rec^d Dec^{ber} 22nd 1732.

Read Aug^t 27th 1735.

[B. P. R. O. SO: CAROLINA B. T. VOL: 7. E. 77.]

CHARLES TOWN, the 15th Dec: 1732.

MY LORDS,

* * * * *

[Extract.]

I have before me your Lordships of June 21st relating to a Paragraph of Governor Burrington's Letter intimating apprehensions he is under that our Indians are expected to make some attempt against those of North Carolina I pretty much wonder he should be uneasy at the thoughts of that happening because by the Copy of his Letter he seems to think they deserve Chastisement and M^r Watis's Journal which I enclose who we sent our Agent to demand Justice of the Tuscorora Indians will fully aprize your Lordships of all that affair.

A Nation of Indians called the Catawbias living within the Limits of this Government have a long time been at War with the Tuscororas of North Carolina and it is always the maxim of our Government upon the Continent to promote War between Indians of different Nations with whom we trade and are at peace with ourselves for in that consists our safety being at War with one another prevents their uniting against us.

If any material action had happened on this affair I should have been sure to have given your Lordships a particular account of it but the Tuscororas not having since Mr Watis's Parley with them before Mr Burrington done us any damage and the Catawbias having made no expedition upon the Tuscororas I thought what your Lordships might find mentioned in the Journals of Council & Assembly formerly sent your Lord^{ships} was sufficient It is true the five Nations are in amity with the Tuscororas and some of them were with the party who carried our slaves and horses away but we hear only from Mr Burrington of so furious a War being likely to be carried on they seldom attack one another in such large bodys Partys of 30. or 40. Men go out and if they can steal anything and kill 2. or 3. old Women or Men they soon return contented. Tis' only such a War that we hear of yet Indeed if again the Tuscororas had insulted and robbed our Planters I believe we should have been obliged to have headed their enemies the Catawbias against them and then your Lordships should have had an account of it.

I acquainted your Lordships with Governor Burrington's way of construing His Majesty's Instruction relating to the Boundaries of the two provinces which is very necessary should be settled I must therefore beg your Lordships explanation of the said Instruction I shall only observe that it will be very inconvenient Wacamaw River should be the Boundary for the mouth of it comes into Wymea Bay where we have a great settlement and a collector of the customs who can't prevent illegal Trade if that be for a ship may go a little way up Wacamaw River and then is in North Carolina Government and of his Jurisdiction as has already been a plea I enclose his advertisement and mine.

I am with great respect
My Lords
your Lordships most obedient
and most humble servant

ROBT : JOHNSON.

[B. P. R. O. So: CAROLINA. B. T. VOL: 7. E. 79.]

South Carolina.

By His Excellency Robert Johnson Esq^r Cap^t General Governor
and Commander in Chief in and over His Majesty's Province of
South Carolina.

Instructions to William Wattis Esq^{re}

Whereas it hath been made known unto me that several Parties of the Tuscarora Indians under his Majesty's Government of North Carolina have made frequent Inroads into His Majesty's Province of South Carolina and have (at divers times) Killed taken and destroyed several Indian Slaves belonging to the said Province of South Carolina and many of our friendly Indians residing in the heart of this settlement and insulted divers of the Inhabitants without any colour or pretence whatsoever or any occasion given for so doing.

And whereas I thought fit at the request of the Commons House of Assembly to appoint you the said William Waties to represent the said injurys to His Excellency George Burrington Esq^{re} Governor of His Majesty's Province of North Carolina to the end that not only the said Insults may be prevented for the future but that satisfaction may be made by the said Tuscarora nation for what are past You are therefore hereby required on receipt of these your Instructions to repair to the Government of North Carolina and on your arrival you are to deliver to His Excellency George Burrington Esq^{re} the letter from me to him directed which you will receive herewith.

You are to make your journey by way of Cape Fear and in the best manner you can inform yourself if any of the said Tuscaroras have lately passed or repassed that way and which of them are known.

You are to acquaint His Excellency the said Governor Burrington (or the Governor and Commander in Chief for the time being) with the particulars of the insults and injurys which heretofore as well as of late have been made and done by the said Tuscarora Indians to His Majesty's subjects in this Government and to our friendly Indians.

You are to request His Excell^{cy} Governor Burrington that be

cause the sev^l Head Men of the said Nation to be sent for to come before His Exc^{ly} and more especially such as have been lately in this settlement (if known)

You are to request His Excellency that you may have liberty to give them a Talk Face to Face in the name of this Government which if complied with you are to charge the said Indians with the particulars of the insults and injurys by them done to this Government and to demand satisfaction

You are to demand of the said Indians whether on the like complaint afore made they did not promise to do no more injurys to this settlement.

You are to demand of the said Indians whether on the said complaints afore made they did not promise to do no more Injurys to this Settlement.

You are to tell the said Indians that all the English in the several Gov^{mts} have but one Great King and are all one and the same people and therefore that if any injury be done to the white people in their persons or to their black or Indian Slaves Horses or Cattle that all the said Governm^{ts} are requested to assist each other in resenting their injurys as they have fully experienced already in the old wars between them and the White People.

You are to acquaint them that if they make any more Inroads and offer any more Injuries or refuse to make satisfaction for what is past this Government will treat them as Enemies and will immediately call in the Catawbias and Cherokees to their assistance and cut them off.

That this Government does expect they will immediately before your departure return all the Slaves they have taken (if alive) and if dead to pay the value of them.

You are to insist that they enter into articles with you in the name of this Government that they will come no more into this Settlement nor do any more injury to our White People Indian Slaves Horses or Cattle nor to our friendly Indians living within our Settlements on pain of being all cut off and destroyed as above said.

You are to communicate these your instructions to His Excellency the said Gov^r Burrington and to give him a copy thereof and you are in the name of this Government to request of His Excellency his favour countenance and assistance in all and singular the matter aforesaid.

And you are to act and do in all the matters aforesaid and in all matters and things whatsoever that may or shall hereafter occur to you or be thought beneficial and useful to this Government for promoting the ends aforesaid according to the best of your knowledge and judgment desiring that all due credence and dispatch be given to you the said William Waties in this behalfe.

Given under our Hand and the Great Seal of this His Maj^{ty}s Province the tenth day of April in the fourth year of His Majesty's Reign and in the year of our Lord one thousand seven hundred and thirty one.

ROBT: JOHNSON.

Rec^d Feb^{ry} 22. 1733.

1735.

[B. P. R. O. So: CAROLINA. B. T. VOL: 7. E. 50.]

8th May May 1735.

MAY IT PLEASE YOUR LORDSHIPS

I beg leave to lay before your Lordships an Extract of a Letter I have lately received from Robert Johnson Esq^{re} Governor of South Carolina dated the 14th of March last relating to the Boundaries to be settled between that Province and North Carolina. And humbly pray your Lordships will be pleased with the first convenient opportunity to give some directions upon the matter therein contained.

I am with great respect

your Lordships

most humble and most

obedient servant

PEREG^r FURYE

To the Right Hon^{ble} the Lords Commissioners for Trade & Plantations.

Extract of Letter from His Excellency Robert Johnson Esq^{re} Gov^r of His Majesty's Province of South Carolina dated 14th of March 1734-5 to Peregrine Fury Esq^{re} Agent to the S^d Province.

Our Assembly will within a few days send Commissioners to

join those of North Carolina to run out the division line tho' we apprehend with little probability of success The Governor of that Province by his letter to me putting a very different construction from what we imagine is the real intent of His Majesty's Instruction on the subject for he conceives that if any part of Waccamaw River lies within thirty miles of any Part of Cape Fear River Waccamaw River shall be the Boundarys whereas we think it is plain that the Intention and true meaning of the Instruction is that if Waccamaw River happen at the mouth to be within thirty miles of Cape Fear River then it shall be the Boundary and not otherwise I am very positive that was the Lords of Trade opinion when I was with them in England but whether they have altered it since I have no authority to believe, having received no new Instruction on that head I begg you will take a proper opportunity to solicit their Lordships for such a further explanation as they may think necessary in order the limits may be run out and settled as soon as possible according to his Majesty's Intentions.

Rece^d May 8th }
Read June 6th } 1735.

[B. P. R. O. S^o CAROLINA. B. T. VOL: 7. E. 60.]

LONDON 29th July 1735.

MY LORDS,

As I have applied to your Lordships by directions from Col^o Rob^t Johnson late Governor of South Carolina for an Explanation of the Instruction for Settling the Boundaries of that Province and the Province of North Carolina I take leave to lay before your Lord^{shps} an Extract of a letter I have lately received from James Abercrombie Esq^{re} Attorney Gen^l of South Carolina who was sent as one of the Commissioners to Cape Fear upon that service which I hope is now performed in such a manner as to free your Lordships from the trouble of any further enquiry into this affair.

I am with great respect.

My Lord
your Lordships
most humble and most
obedient servant

PEREG^e FURYE.

To the Right Hon^{ble} the L^{ds} Commissioners for Trade & Plantations.

Extract of a Letter from James Abercrombie Esq^{re} Attorney General of His Majesty's Province of South Carolina dated the 27th of May 1735.

On my return from Cape Fear in North Carolina where I have been as one of three Commissioners to settle boundary between this and that Province which we have been so lucky as to accomplish to general satisfaction and at last remove that bone of contention I had the pleasure of both yours viz^t Feb^{ry} 13th & Feb^{ry} 24th 173 4-5.

Rec^d }
Read } July 29th 1735.

1737.

[B. P. R. O. S^o CAROLINA VOL: 8. F. 55.]

AT THE COUNCIL CHAMBER AT WHITEHALL
the 5th day of May 1737.

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased by His Order in Council of the 21st of last month to referr unto the Committee the humble Petition of Alexander Skene and James Abercromby setting forth that they were appointed Commissioners by the late Governor of South Carolina for Settling and adjusting (pursuant to His Majesty's Royal Instructions) the Boundary between that Province and North Carolina and for which service the Lieutenant Governor and Council of that Province thought it reasonable that the Petitioners should be allowed each of them a Guinea a day Provisions and Horses to be allowed them besides amounting to about three hundred pounds and did therefore lay the same before the Lower House of Assembly But the Petitioners not being able to obtain more than about fifty pounds for the whole which scarce made amends for the horses lost in the Several expeditions. They therefore most humbly pray that His Majesty would be graciously pleased to give directions for making the Petitioners full satisfaction for the Trouble and Expence.

they have been at in Settling the Said Boundaries The Lords of the Committee this day took the same into their consideration and are hereby pleased to refer the said Petition (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade & Plantations to consider thereof & report to this Committee what they think adviseable for His Majesty to do therein.

W. SHARPE.

To the Kings most Excellent Majesty in Council The humble Petition of Alexander Skene and James Abercromby :

Most humbly Sheweth,

That your Pet^{rs} by Commission from the late Gov^r of South Carolina were appointed Commiss^{rs} for Settling and adjusting pursuant to your Majesty's Royal Instructions the Boundary between that Province and North Carolina.

That your Petitioners thereupon proceeded to Cape Fear in North Carolina there to meet the Commissioners appointed in behalf of that Province.

That after many Conferences held during the space of six weeks by the friendly interposition of Gabriel Johnston Esq^r your Majestys Gov^r of that Province your Petitioners had the happiness to remove a difference which had long subsisted between the two provinces and finally to settle and adjust the Limits to the mutual Satisfaction of both.

That soon after your Pet^{rs} return to Charles Town the Government there thought it absolutely necessary that a Line should be run pursuant to the Articles agreed upon & that the Trees in such Line should be markt the better to ascertain the Bounds of the two Provinces and thereby to remove all disputes that might otherwise arise between the Officers of the respective Provinces in collecting Taxes and your Majesty's Quit Rents your Pet^{rs} was therefore appointed for that purpose.

That your Pet^{rs} being very Sensible what great inconveniency and fatigue must attend an expedition of that sort made provision accordingly both in Men and Horses but not without great expence to themselves.

That everything being got ready your Petitioners proceeded from Charles Town to the mouth of Cape Fear River in Province of North Carolina and from thence took their departure to pursue the Line according to the articles agreed upon as aforesaid.

That your Pet^{rs} continued for the space of seven weeks with extraordinary Fatigue running the said Line most of that time thro' Desert and uninhabited Woods in many Places absolutely impassible until your Pet^{rs} had cleared the same added to this the many large and rapid Rivers as well as Creeks your Pet^{rs} had to pass by the assistance only of large Trees cut down and dug for that purpose.

And your Majesty's Gov^r Lieutenant: and Council being Sensible of the Services done by your Pet^{rs} and of the great expence attended them in performance thereof thought an allowance of one Guinea per: Diem to each of your Pet^{rs} reasonable for their fatigue and personal Services their expences in Provisions attendants and Horses allowed them besides the whole amounting to about 300. Did therefore lay the Same before the Lower House of Assembly but notwithstanding many Applications in your Pet^{rs} behalf could procure but about fifty pounds for the whole which did Scarce more than make amends for the Horses lost in the Several Expeditions.

That your Majesty's Gov^r having no fund at his disposal out of which to Satisfy your Pet^{rs} for what remains due your Pet^{rs} are therefore upon that account entirely without relief—Your Pet^{rs} therefore must humbly intreat your Majesty would be graciously pleased to give Directions for making your Pet^{rs} full Satisfaction for the trouble and expence they have been at settling the Said Boundary.

And your Pet^{rs} as in duty bound
shall ever pray &^o

Ja: ABERCROMBY..

April th 19th 1737.

Rec^d May 18th }
Read May 24th } 1737.

1738.

[B. P. R. O. S^o CAROLINA B. T. VOL. 26, P. 259.]

To his Grace the Duke of Newcastle.

May 30th 1738

MY LORD,

Understanding that your Grace is desirous Col^o Horsey's Instructions for the Government of South Carolina Should be dispatched as soon as possible. We take leave to acquaint you that we have had those Instructions sometime under our consideration But we find both the Provinces of South and North Carolina in very great confusion with respect to their Titles, the King's Quit Rent, paper money, Duty on negroes and many other particulars which Should if possible be settled before Col^o Horsey goes to his Government or he will not have it in his power to give the people any Satisfaction in these important points For which reason we are now preparing a Representation upon these Heads to be laid before the Lords of the Committee of Council for their Opinion thereupon previous to the fixing of Col^o Horsey's Instructions which we apprehend may be for His Majesty's service. But if your Grace is desirous that Col^o Horsey should be dispatched with the same Instructions his Predecessor had they may soon be ready for His Majesty's consideration. Upon which you will be pleased to let us know your Intentions

We are &c:

My Lord &c:

W. BLADEN.

R. PLUMER.

MONSON.

N. B. In Col. Horsey's Instructions there is no reference to the above "we have made no alternations" to those to the late Governor.

1739.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 55, P. 128.]

Commission to Henry MacCulloh Esq^{re} commissioner for supervising inspecting and controlling the Revenues and grants of Lands in South and North Carolina.

DATED 16th May 1739.

GEORGE R,

George the second by the Grace of God, of Great Britain, France and Ireland King Defender of the Faith etc. To all Our loving Subjects whatsoever to whom these Presents shall come or shall or may appertain greeting. Whereas by reason of the many Frauds, incroachments, concealments and abuses committed with respect to the grants of Lands and the Quitrents reserved thereon in the Provinces of South and North Carolina in America before ye Property of the Soil thereof became vested in Us and likewise for want of a due Regulation had in the publick offices in those Provinces since our Royal Instructions to Our Governors or Commanders in Chief there, have not hitherto had their desired effect, by reason whereof Our Officers there continue under great difficulties in ascertaining our Quitrents and great Disputes and Animosities have arisen in our said Province thereupon by which means our Revenues are not duly collected and accompted for in the said Provinces and our Subjects there are likewise left in a precarious situation with regard to their Titles to the Lands in their possessions. Now we judging it necessary as well for the ease of Our Subjects in our said Provinces of South and North Carolina and the establishing quiet and good Order there. As for the regulating, ascertaining and improving our Revenues there, to appoint a particular Officer to be Our Commissioner for inspecting and controlling our Revenues and the grants of Lands in Our said Provinces. Know ye that we reposing especial Trust and confidence in the Ability, Care and Fidelity of Our Trusty and Welbeloved Henry MacCulloh Esq^{re} have nominated, constituted and appointed and do by these Presents nominate, constitute and appoint him the said Henry MacCulloh to be Our Commissioner for supervising, inspecting and controlling our Revenues and grants of Land as aforesaid in Our said Provinces of South and North Carolina,

Hereby giving and granting unto him full Power to Examine and Enquire into all Frauds, concealments, neglects, delays and abuses with Respect to the grants of Lands there and the Quitrents payable thereupon, And towards preventing and determining all Disputes relating to the Premises to inspect into the Registers and Records of the said Provinces and to Summon or cause to be summoned in Order to be examined before him all such Persons as he shall judge capable of giving him any information relating to the Premises; and also where our said Commissioner finds after due Examination that Lands are claimed there under irregular Titles as exempted from Quitrents, or as liable to pay less Quitrents than those prescribed by Our Royal Instructions or that any greater Quantities of Land are claimed or held by particular Persons than what they pay Quitrents for or that Lands are not regularly settled according to the conditions of the Original grants. In all such cases We do hereby give and grant unto the said Henry MacCulloh full Power and Authority, and do hereby Charge and Command him to Certify such Illegal claims, possessions or pretended Exemptions to Our Attorney General in the said respective Provinces to be immediately proceeded against according to Law. And in case he finds no such objections to any grants or claims of Land there to certify and attest the Truth thereof for the satisfaction of the Parties desiring the same. And moreover We do hereby grant unto Our said Commissioner full Power to Inspect and Enquire into the present method of passing of grants of Lands through the several Offices in our said Provinces, and to settle and regulate the same in such manner that Our Royal Intentions declared in Our Instructions to our Governors there may be most effectually answered and all Frauds and Abuses therein prevented and also to settle and adjust proper Orders and Rules to be deserved for the more speedy collecting, receiving and accompting for Our Quitrents and detecting and prosecuting any Persons concealing or detaining the same. And for the Encouragement of the said Henry MacCulloh diligently and faithfully to perform this our commission and the Instructions relating thereto from time to time in all things as becometh, We do hereby give and grant unto him the Yearly Salary or allowance of Six Hundred Pounds sterling per annum for himself and two Hundred Pounds sterling per annum for his Clerks and Substitutes, to commence and be accompted payable

from the Day of the Date hereof, and to be paid and payable Quarterly during his continuance in the said Trust or untill We shall think fit to Signify our Pleasure to the contrary which said Salaries or allowances amounting together to Eight Hundred Pounds Sterling per annum : shall be established and made payable unto him or his assigns out of our Revenue of Quitrents that shall be recovered and improved in our said Provinces or either of them by the Hands of Our Receivers general thereof or either of them from time to time next and immediately after satisfying or reserving sufficient to satisfy and pay all such salaries as have been already established by Us and made payable to Our Governor of North Carolina and to other our Officers in both the said Provinces and all the arrears thereof and to be allowed on the said Receivers accompts accordingly. And We do hereby order and direct the said Henry MacCulloh to observe and follow all such orders, Rules and Instructions as he shall receive from Us or the Commissioners of our Treasury or Our Commissioners for Trade and Plantations for the time being for the more effectual Performance of the Premises and to give an account of his actings and doings in the Execution of this Trust and of the Depositions and accompts that shall be taken, in writing from time to time with all convenient speed to the said Commissioners of our Treasury and Our Commissioners for Trade and Plantations and we do hereby charge and command our Provincial Treasurers in the said Provinces or their Deputies at the request of the said Henry MacCulloh to deliver to him from time to time account of all and every Person and Persons holding or claiming Lands within his or their respective Districts together with the Quantities of Land held and claimed by them and where situated and how long the respective Possessors have held the same and we do likewise strictly charge and command our Governors, Lieu^t Governors, Commanders in Chief and all our Officers whatsoever Ecclesiastical, Civil or Military and all other our loving Subjects whatsoever in the said Provinces who are or shall be anywise concerned in any the matters aforesaid that may respectively at the request and requests of the said Henry MacCulloh do from time to time not only permit him or such as he shall appoint to Inspect any Accompts, Entries or other Papers, in their respective Custodies touching or concerning the Premises or any of them but that they do also from time

to time deliver or cause to be delivered to him or such as he shall appoint such attested Copies, Notes or Extracts thereof or any of them as he shall desire by any writing or writings under his hand without any charge for the same and that they be at all times ready and aiding to the said Henry MacCulloh in the Execution of the Trusts hereby reposed in him as aforesaid as they will answer the contrary at their Perils. And Lastly We do hereby direct and command our Proyosts Marshall or their Deputies diligently and punctually to serve all such Messages, Summons and Orders as our said Commissioner shall judge necessary to be served for our Service. Given at our Court at St. James's this sixteenth day of May 1739 in the twelfth year of our Reign.

By His Majesty's Command

[Signed]

R. WALPOLE,
GEO: DODINGTON,
G. . EARLE.

Entred in the Office of the
R^t Hon^{ble} Horatio Walpole Esq
Auditor and Surveyor gen^l of his
Maj^{ty's} Revenues in America, at
Whitehall this 24th day of May
1739.

PETER LEHEUP.

Examined & compared with the Original per S. Gellibrande.
31. May 1739.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 55. PAGE 135.]

Instructions for Henry MacCulloh Esq. Commissioner for supervising, inspecting and controlling the Revenues and Grants of Lands in Carolina.

GEORGE R.

Orders, Rules and Instructions to be observed by Our Trusty and Welbeloved Henry MacCulloh Esq: Our Commissioner for Supervising, Inspecting and Controlling our Revenues, and the Grants of Lands, in Our Provinces of South and North Carolina.

With these Our Instructions you will receive Our Warrant under Our Royal Sign Manual constituting you Our Commissioner for supervising, inspecting and controlling Our Revenues, and the

Grants of Lands in our Provinces of South and North Carolina; You are therefore to proceed with all convenient speed to the said Provinces and when arrived in one of them, you are to take upon you the execution of the said Office and Trust we have so reposed in you.

2. In order to ascertain and secure the rights both of us and Our Subjects in respect to Grants of Lands claimed in the said two Provinces of South and North Carolina or either of them as made in the time of the Lords Proprietors; and to quiet all disputes now depending there in relation thereto, and likewise in order to supervise all Warrants and Grants of Lands in either of the said Provinces that have been issued and passed since the Property in the Soil thereof became vested in Us, you are to inspect the several books of the Land Office, Secretary's and Surveyor's Offices, in each of the said Provinces, and to order and direct the Clerks in those respective Offices to lay before you Copies or Extracts of all the Warrants entered or lodged therein, that have been issued for Lands since 1716. and of all Grants that have been made in pursuance thereof, and of all Surveys and Returns that have been made by virtue of such Warrants.

3. You are also to inspect and examine into the Accounts of the Receivers of our Revenues arising in South and North Carolina, and to order and direct them to lay before you an Accompt of all the Quitrents they have received, at what time, and from whom, distinguishing such Accompts as have been audited from those that have not; and in order to prove the truth of those Accompts, you are to direct Our Deputy Auditors in the said Provinces to give you the particulars of such accompts as they have audited; and that you may be better able to inform yourself what Persons have paid their Quitrents, and which of them have not, you are to order the said Receivers to lay before you copies or Extracts of all Receipts that have been given for the payment of Quitrents since 1716. And likewise to exhibit to you all Books and Vouchers in their possession that belonged to any former Receivers.

4. And when you shall have made a careful and diligent enquiry to find out the present possessors of Lands in either of the two said Provinces claiming to hold the same, either under Proprietary Grants, or by virtue of Warrants or Grants derived from us, In case any of the said Grants appear to you to have been obtained

fraudulently, and that the Quitrents and other conditions upon which the Warrants were issued, and those Grants made out, have not been paid or complied with, In such cases you are to give Publick notice in writing to be affixed at each Precinct house, or in such other publick manner, as shall be thought most proper, summoning all such as shall appear to hold Lands under the pretence of Patents, Warrants or Grants that have not been regularly obtained, and where the Quitrents, and other stipulated conditions have not been paid or complied with, or such as claim lands by virtue of their having had possession of them for some time without any regular Patents to attend you at the times and places to be appointed by the said Summons for that purpose, in order to show cause why they have not paid the Quitrents due thereon, and cultivated and improved their lands.

5. And as an encouragement to such Land holders to come in and be obedient to your summons, you are to assure them that upon their compliance with such summons, We will be graciously pleased, as an indulgence to such as hold Lands by virtue of Patents granted by the late Lords Proprietors before the year 1727. to order their Titles to be confirmed, provided they were in actual possession of the Lands at that time or had surveys regularly made and returned, and on condition likewise that they register their Grants regularly, and claim no more Lands than are mentioned in their Patents, And that in case they appear to be in possession of a surplus of Land, We are graciously pleased in such case to admit them to take out new Patents for the same, subject to the Quitrents of 4^s. Proclamation money per hundred acres, prescribed by Our Royal Instructions to Our Governors there.

6. And in the Cases of Persons claiming Lands by virtue of Patents under the Lords Proprietors, which Patents they alledge to be destroyed by Fire or otherwise, but of which they may not be able to make full proof, nor of the conditions on which the Grants were passed, you are to admit such Persons to take out new Grants at the accustomed and proper Office for the said Lands, subject to the Quitrents of four shillings, Proclamation money for hundred acres; But as to such as shall make full proof of their having had Patents from the Lords Proprietors before the year 1727. and of the conditions on which they were granted, they are to hold their Lands agreeable to the terms and conditions of

their Patents, notwithstanding their having been destroyed by fire or otherwise, and you are to certify the same accordingly.

7. And as to all Persons claiming Lands by virtue of and under Patents derived from the Lords Proprietors since 1727. upon producing to you the same Patents, and having the same regularly endorsed by you mentioning the conditions following, that is to say, the paying of 4^s. Proclamation money for every hundred acres contained in their Grant, and that they bind themselves down to the usual terms and conditions of settlement; In such case the producing the Letters Patents, and your Indorsement thereon shall be evidence of the Grantees right, provided the same be regularly registered in the Auditors Office there, within six months next after the date of such your Indorsement.

8. And whereas Sir Richard Everard, when Governor of North Carolina under the Lords Proprietors, in or about the year 1729. granted several tracts of Land in North Carolina, in consideration of the trouble and expense of the Commissioners for running the Boundary Line between the Province of Virginia, We are graciously pleased to declare and grant that every such Person or Persons as shall fully prove before you, and to your satisfaction their right of Purchase under that claim, shall be admitted to hold their Lands on the conditions in their Grants, reckoning every thousand acres of Land as an equivalent for ten pounds sterling due to them, or to such Persons under whom they lawfully claim; You are therefore hereby required to take such proof or proofs, which proofs when taken (if found agreeable to our instructions) and your allowance thereof, being recorded within six months after in the said Auditors Office, shall be sufficient evidence of the original right to the quantity of Land by the said proportion limited; An Extract of which proofs you are at the same time to transmit to the Commissioners of our Treasury, and Our Commissioners for Trade and Plantations.

9. And whereas many disputes have been occasioned by the pretended rights of Persons in Albemarle County in North Carolina, by virtue of what they term their Grand Deed or Charter, being in fact, as We are given to understand, only a temporary provision. Yet nevertheless in order to settle and determine the Property of such Persons as claim Lands in that County under that right, you are to permit all persons claiming Lands in the said County by

virtue of such Patents under the Lords Proprietors before the year 1727. to hold those Lands subject to the rate of two shillings sterling Quitrent only 7 hundred acres; or if they shall insist to pay their Quitrents in the product of that Country, such product shall be brought at their own charge unto the next Port or Place where the King's receipt is held, and there be valued on the foot of sterling money by sworn appraisers.

10. You are likewise to give notice to all persons claiming Lands by virtue of Warrants which have not been regularly carried into Execution, the Possessors whereof have not taken out regular Grants for those Lands, or settled them conformable to our Instructions to our Governors, That they are to perfect their Grants forthwith, agreeably to the said Instructions, And in all things to comply therewith, or that otherwise the Lands granted to them by warrant shall be disposed of to such Foreigners or others as shall come to settle in the said Provinces.

11. You are further to give notice to all such Persons who, after having taken out Grants in pursuance of their Warrants have not however seated their Lands, nor paid Quitrents for the same, agreeably to the terms of their Grants, that they shall be forthwith prosecuted for such their Default, unless they immediately comply with the conditions of their Grants.

12. And you are to give notice to all persons who hold greater quantities of Land than they are entitled unto by their Grants, that they may appear before you at such convenient time and place as you shall appoint within six months from the dates of your several summons, and there produce to you an Accompt of such surplus Lands; and in default of their appearing before you with a true accompt thereof, you are to certify the same to our Attorney General, who is to proceed there, without delay according to Law, in such cases, against such Defaulters.

13. And unto all such as shall duly comply with these our instructions in proving their Original Titles before you, you are to grant Certificates or Testimonials of the truth thereof, that in pursuance thereof their Grants may be confirmed according to the terms and conditions herein before directed.

14. And for the more effectually carrying the premises into Execution, if it shall so happen that any person or persons shall refuse or neglect to obey or comply with these our orders and directions,

or to submit to your determination in the premises in the manner before prescribed, you are to take care in all such cases to certify such default, neglect or refusal to Our Attorney General, in either of the said provinces as occasion shall require, who is thereupon to proceed against such Defaulters in order to vacate and supercede their Grants and recover possession by due course of Law, of the Lands they now wrongfully hold, but you are first to give publick notice of these Our Instructions relating to the premises to the persons concerned, that they may avoid such prosecutions by complying with these Our Orders which are calculated for the Ease of Our Subjects in those parts, and for the Establishing quiet, and good order there.

15. And whereas many inconveniencies have arisen from the want of a proper regulation in the Land Offices in Our said two Provinces of South and North Carolina, in which they are expressly enjoined not to grant any more Lands than in the proportion of fifty Acres to each person in the Grantees family, which number it was Our Royal Intention should have been seated and cultivated by the persons for whom the same were so granted, in relation to which We are given to understand that in many instances Our orders have been evaded; For remedy thereof, We are therefore graciously pleased to declare that it is Our Royal Will and pleasure that all persons petitioning for Lands shall, previous to their obtaining a Warrant thereupon, prove their Rights to such Lands before the Governor and Council, when at least four Members of Council shall be present, not having any concern or Interest in the Lands petitioned for, And that if the Lands so petitioned for are granted accordingly, In such Case the Warrants for granting the same be thereupon drawn up and signed by Our said Governor in Council and made returnable by the Surveyor within twelve months at farthest from the Dates thereof; And that a particular description of the Lands petitioned for be inserted in the Warrants, and that before the Warrants shall be delivered to the Surveyor, a Docquet thereof be entred in the Auditor's Office there, And that in default of any of the said particulars being observed the said Grants shall be void.

16. And we do further declare it to be Our Royal Will and pleasure that when the Warrants shall be returned agreeably to the Directions contained in our foregoing Instruction, the Grants shall

be made out in due form, and that the terms and conditions on which such Warrants were issued, and the Lands were surveyed be particularly and expressly mentioned in the respective Grants, And that the said Grants shall be registered within six months from the Dates thereof in Our Secretary's Office there, and a Docquet thereof be also entered in Our Auditor's Office there, or that in default thereof said Grants shall be void; Copies of all which Entries, Our pleasure is, shall be returned regularly home by the proper Officers to the Commissioners of Our Treasury, or Our Commissioners for Trade and Plantations within twelve months from the dates thereof.

17. You are likewise to make strict enquiry into the methods used in our said Provinces in collecting, receiving and accompting for Our Quitrents and other Revenues; And in case you find any fraud, concealment, irregularity or neglect therein, you are to use your utmost endeavours for redressing the same, and to establish a proper method whereby the same may be prevented for the future, And whereby Our Auditor or his Deputy may be enabled more effectually to cheque and controll the Accompts exhibited by Our Receivers; And if it shall appear necessary to apply to the Legislature in either of the said Provinces for a new Act of Assembly for the more effectual ascertaining and the more speedy and regular collecting of Our Quitrents, you are to prepare the proper heads of such a Bill as you shall think may most effectually conduce to procuring the good Ends proposed, in such manner as shall be most for the ease of Our subjects, before Our Governor and Council there for their Concurrence therein, Provided always that if any Act of Assembly shall pass agreeable thereto, the same shall not be made to take effect till the same be approved by Us at home.

18. You are to take especial notice that it is Our Royal Will and Pleasure, that neither you nor any of your Clerks or substitutes shall ask, demand or receive, under any pretence whatsoever, any Fee or Reward from any of Our Subjects for anything by you or them done in obedience and conformity to these Our Instructions and the Commission to which the same relate.

19. And Our Pleasure is, that the Provost Marshalls or their Deputies in each of Our said Provinces respectively, do transmit and send such Letters, Summons or other Orders as you shall judge necessary to be served within their respective Districts for Our

service; And you are to take the most effectual measures that all these our Instructions be fully executed, and in case of Default in any of Our Officers in either of the said Provinces in performing their Duty agreeably to the Nature and Design of these Our Instructions, and the Commission to which the same referr, You are to represent the same unto Us by Our Principal Secretaries of State, or unto the Commissioners of Our Treasury or Commissioners for Trade and Plantations, that such Defaulters may be proceeded against according to the Nature of such Default.

20. And Lastly, You are upon all occasions to send unto the Commissioners of Our Treasury, and Commissioners for Trade and Plantations a particular Account of all your proceedings, and of the State and condition of Our Quitrents and Revenues and all other the Affairs under your Inspection, together with such observations and informations as you shall judge necessary for Our service; Taking care that an Entry of Our Royal Commission to you, aforementioned, And of these Our Instructions relating thereto be made before Our Commissioners for Trade and Plantations, and in the Office of the Auditor and Surveyor General of Our Revenues arising in America, within six months from the date hereof.

Given at Our Court at S^t James's this sixteenth day of May 1739, In the twelfth year of Our Reign.

By his Majesty's Command
(Sign'd)

R. WALPOLE
GEO. DODINGTON
G. EARLE.

Entered in the Office of the R^t Hon^{ble} Horatio Walpole Esq^r Auditor and Surveyor General of his Majesty's Revenues in America, at Whitehall, this 24th day of May 1739.

PETER LEHEUP.

1740.

CARTHAGENA EXPEDITION.

An exhaustive search has been made in the Colonial Correspondence as well as among the Admiralty and War Office papers to find what part North Carolina took in the expedition to Carthagená and from the extracts following we are able to glean a few facts but scarcely any details.

From Col. Gooch Lieut. Gov. of Virginia who had command of the "American Regiments" in the Carthagená Expedition we gather in his letter of 8 Feb'y 1740 to Sec: the Duke of Newcastle that four companies were raised in New England, Two in Rhode Island, Two in Connecticut, Five in New York, Four in Pennsylvania Two in the Jerseys, Three in Maryland, Four in Virginia and Four in North Carolina in all Thirty companies or about 3000 men and these were divided into four Battalions but without reference to the Province from which they were raised and were called "the American Regiments" so that it is not possible to specify any particulars as to the action of the men raised in either of the Colonies.

From the Extract of a Return of the American Regiments under Col. Gooch we find that in the 2nd Battalion was Capt. Coletrain with the remainder of his Company viz. two Lieuts, two Serjeants, two Corporals, One Drummer and forty centinels from North Carolina and this is the only name of an Officer from North Carolina to be found—Gov: Johnson in a letter to the Duke of Newcastle of 5. Nov. 1740. says "I have good reason to believe that we could have easily raised 200 more if it had been possible to negotiate the Bills of Exchange in this part of the Continent but as that was impracticable we were obliged to rest satisfied with four Companies."

W. NOEL SAINSBURY

24 Sept. 1894.

[Extract]

Lt. Gov. Gooch to Duke of Newcastle dated New York 8. July 1740. I have taken upon me to advise the several governors to form Companies with the men as fast as they inlist according to the number of Commissions I have sent them which are thus distributed to New England Four, Rhode Island Two, Connecticut

Two, New York five Pensilvania Four the Jerseys two Maryland Three Virginia Four, and North Carolina Four in all Thirty (A & W. I. vol 16. p. 134.

[Extract]

Col. W. Blakeney to Duke of Newcastle New York 31 July 1740. As to the American Levies they go on briskly even beyond what could have been expected during high Harvest and high Wages M^r Belcher writes that he shall be able to send ten or twelve companies from his Province: M^r Thomas eight from Pennsylvania M^r Johnson five or six from North Carolina and indeed all of them wrote that they were surprised (taking it from the number of Commissions sent them) to find themselves restricted to any number of Companies.

[Extract]

W. Gooch to Duke of Newcastle dated Williamsburgh 9 Aug 1740 (America & W. Indies Vol. 16 page 135) "The Sloop hired to carry those for North Carolina, Maryland and this place, which was to have sailed the day I left that Province was detained after my departure by the Governor."

[AM & W. IND VOL. 61]

[Extract]

W. Blakeney to the Duke of Newcastle New York 11th Sept. 1740. There will be in all about forty one Companies viz from New England Ten Companies, from Connecticut Two, from Rhode Island Two, from New York five, from New Jersey Three, from Pennsylvania eight, from Maryland three, from Virginia four, and four from North Carolina.

[IBID.]

[Extract]

W. Blakeney to Duke of Newcastle Hampton in Virginia 23. Oct 1740. No. 106. The four Companies from North Carolina are likewise left behind, * * * There will be four Companies from North Carolina which will proceed directly from thence to Jamaica.

[PRINTED IN NO. CAROLINA COLONIAL RECORDS VOL. IV. P. 421.]

[Extract]

Gov. Johnson to Duke of Newcastle dated Edenton in North

Carolina. 5 Nov 1740. [A. & W. I. No 23 p. 547.] I can now assure your grace that we have raised above four hundred men in this Province who are now embark'd and just going to put to Sea. In those Northern parts of the Colony adjoyning to Virginia We have got 3 Companies of 100 men each tho' some few deserted since they began to send them on board the Transports at Cape Fear. There is one Company consisting of above 100 Men whom I am just now going to see embarked. I have good reason to believe that we could have easily raised 200 more if it had been possible to negotiate the Bills of Exchange in this part of the Continent But as that was impracticable we were obliged to rest satisfied with four Companies.

[AM & W. IND VOL. 61]

[Extract]

Col. W. Blakeney to Duke of Newcastle, Kingston Jamica 14 Dec. 1740. No 107. And now all the Troops from North America are safely arrived in this Port excepting the four Companies from North Carolina for whom I am under some Concern as the French and Spaniards have now such a superior Force in these Seas.

[N. B.]

[Extract]

Return to the American Regiments under Col: Gooch Cartagena Harbour Harbour 1744 Mar 31. (A & W. I. Vol 62 page 11)

2nd Battalion, Captain Coletrain with the remainder of his Company (viz) 2 Lieutenants, 2 Sergeants, 2 Corporals, 1 Drum and 40. Centinels are arrived from North Carolina.

N. B. Lord Cathcart died soon after his appointment to the command of the Expedition and Col. Blakeney succeeded him.

W. N. S.

[LIST OF PAPERS CONCERNING THE EXPEDITION]

An abstract of our Proceedings from the time we came before Carthagena to the Day our Forces embarked from before Fort St. Lazaro By Justly Watson Engineer, No. 116.

Expedition to Carthagena in the year 1741 (in Capt. Knowles of Sept 10 1741) This gives a detailed account of the proceedings with explanations and Appendix.

A Journal of the Expedition that sailed from Spithead to the West Indies under the Command of the Right Hon^{ble} Lord Cath-

cart in the Month of October 1740. (Endorsed L^d Elibank's Journal) No. 136.

N B No mention is made in the above as to what Regiments took part in the Expedition against Carthagera.

[NOTE.—The No. of companies which actually sailed proved to be 36, containing 3,600 men. Their apportionment from the respective Colonies were as stated in Gen. Blakeney's letter above dated 11 Sept., except that instead of "from New England 10 companies" read "from Massachusetts 5 companies".—W. C.]

1741.

[B. P. R. O. SOUTH CAROLINA B. T. VOL. 11 G. 70.]

8th Nov^{ber} 1741.

To the Right Hon^{ble} the Lords Commissioners for Trade and Plantations.

The Humble Representation of Henry MacCulloh

Most humbly submitted

May it please Your Lordships,

In obedience to His Maj^{ty}s Instructions, I have herewith transmitted to your Lordships a particular account of every step I have taken since my arrival in the Province of South Carolina. I had not been long in that Province when to my great surprise I found that the members of His Maj^{ty}s Council and all the other Officers of the Crown (the Deputy Auditor excepted) were the only persons I had to contend with, the Members of the Commons House of Assembly having upon several occasions shewn the greatest disposition to comply with their duty, informing of a rent roll Bill, and the establishing of proper Rules and Orders for the settlement of the Province In order to effect which, the Assembly were then inquiring into the grievances of the settlers of the Township of Williamsburgh in which township many of the poor settlers were defrauded of their Lands, by several of the Members of the Council and their friends who had procured grants for the lands within the Township (from the late Governors Johnson and Broughton) in direct opposition to His Majesty's 43rd instruction. And I beg leave to take notice to your Lordships that the Com-

mons house of Assembly in the year 1739 were so extreemly sensible of the great inconveniencys and danger that attended the Province in respect to their domestick enemies (the negroes) and that this wholly proceeded from the irregular and unwarrantable methods taken by the Governour and Council in the granting of Lands, that the Assembly appointed a Committee to consider of the most effectual means to relieve the people about Stono from the dangers arising from domestick enemyes and also appointed a committee to consider and report the most proper means for prevention of such dangers throughout the Province. And the Committee in obedience to the said order did Report that Whereas by the late unhappy accident at Stono, it appeared to be absolutely necessary to get a sufficient number of white Persons into this Province. The Committee beg'd leave to recommend that a Bill may be brought in for that purpose to the following effect That every person owning or intituled to any slaves in this Province for every 10 male slaves above the age of 12 years shall be obliged to find and provide one able white man for the Militia of this Province who shall be subject to appear in the Militia and do all the duties required by the Militia Law of this Province.

That any person owning or claiming any Lands in this Province over and above the quantity of 4000 acres and under the quantity of 20,000 acres, shall be obliged to find and provide one able white man to serve in the Militia, for every 2000 acres of Land over the said quantity of 4000 acres and under the said quantity of 20,000 so owned or claimed by such persons, And for every 1000 acre over and above the said quantity of 20,000 one able white man to serve in the Militia in this Province over and besides the number of white men such Persons are obliged to furnish for the Militia as aforesaid for or by reason or on account of their slaves as aforesaid.

That every owner of such Lands and slaves as aforesaid who shall be deficient herein his sons and apprentices above the age of 16 years and under the age of 60 years be accounted for and taken as so many of such white persons to serve in the Militia as aforesaid.

That every Person who shall refuse or neglect to comply with the terms aforesaid shall forfeit and pay the sum of £6 per month, for every male white servant or white man, they shall want to serve in the Militia required as aforesaid for the quantity of Lands and slaves held or claim'd by them in this Province.

That the moneys arising by the penaltys incurr'd from the persons deficient in the number of White men to serve in the Militia as aforesaid, shall be apply'd towards payment of a patrol to be imploy'd in those parishes respectively, in which the Lands or slaves lye or be, for which such persons are deficient as aforesaid.

That for the better collecting and levying the said penalties the collectors of the general tax are proposed to be collectors of the said penalty for which purpose the said collectors shall be empowered and deliged to require all persons returning an account of their Lands and Slaves in this Province to return at the same time an account of the number of white men in their respective family's and service. and also the time they have had such persons in their service to the intent it may be more certainly known who are or shall be deficient herein and to levy the said penalty of £6 per month for the time in which any such person or persons shall be found to have been deficient as aforesaid and to return a particular account of such penaltys levy'd to the Publick Treasurer, at the same time as they return their accounts of the general tax, to the intent that it may be duly apply'd towards payment of the patrol of those Parishes and Districts in which such penalty's arise.

A Bill was brought in, agreeable to the purport of the said report and accordingly the said Report was recommitted to the Committee who brought it in, who had the directions of the house to prepare such a Bill and to have the same ready against the next meeting of the House. And on the 27th day of Nov^r 1739 M^r Mazyck from the Committee appointed for that purpose offer'd to the House for the first reading a Bill intituled an additional Bill to an Act, intituled An Act for the better securing of this Province from Negro insurrections and for the encouraging of poor Protestants by employing them in plantations. Which Bill was received by the house and read a first time and passed with amendments and sent to the upper house by M^r Attorney Gen^l. and M^r Dart.

The House of Assembly sent frequent messages to the upper house, in relation to said Bill but the Members of the Council would not condescend so far as to give the Bill one reading but ordered it to lye upon the table. Altho' it is humbly conceived that the passing of this Bill might have been of great service to His Majesty in the discovering ye present possessors of Lands, that it would have greatly promoted the settlement and secured the pro-

perty of His Majesty's subjects in this Province, yet nevertheless the members of the Council and their friends being greatly concern'd in the ingrossment of Lands and apprehending as I humbly conceive that if the Bill was passed into a Law that it would make them lyable to very great expences, in the settlement of their Lands, they would not give place to any reasons that was offered in favour of the Bill. I have been the more particular upon this subject in order to discover to your Lordships the motives from which the Members of the Council and several of the Officers of the Crown Act in opposition to His Majesty's order. Upon my first arrival in the Province of South Carolina and immediately after I was sworn into my commission, I gave the Secretary and Surveyor General of the Lands a copy of His Majesty's 15th & 16th instructions given in charge to me and desired that they would regulate themselves thereby as far as the same related to them respectively. On the 2nd of April 1741 a Warrant was made out by the Secretary in pursuance of an order of Council the 10th of May 1739. and when the warrant was offered to the surveyor to make out his precept thereon he would not comply 'till such time as he had consulted me. Upon which I gave it as my opinion to him that it was his Duty to attend the Governor and Council and in the most respectful manner to lay before them the copy of the order he had received from me with the instructions thereunto annexed. And that afterwards he should pray the favour of the Governor and Council to give him directions how to conduct himself in this matter and that if it was their pleasure to renew their order to him to run out ye Lands pursuant to the warrant already deliver'd that I apprehended that he was not at liberty to dispute the Governor's orders.

My reason for giving the surveyor this advice was that by a Law passed in this Province Entitled An Act to ascertain the Fees of the Surveyor General for the time being and his Deputy's and to prevent any irregularitys being committed in the Office of the S^a Surveyor General or by any of his Deputy's the Surveyor had been obliged under a severe penalty to take an Oath before the Governor in Council that he would implicitly obey every order and direction that they gave him so that he is not left at Liberty to judge for himself nor to act in Pursuance of any orders he may receive from the Lords of the Treasury provided the same does not corres-

pond with such orders as he may receive from the Governour in Council. And I likewise conceive that by my commission I am not impowered to direct any Officers of the Crown to act in opposition to the Governours orders but only to direct them in any case where the Governour may think proper to contradict any order given by me in pursuance of his Majesty's Instructions that the Officer to whom the Governour may give such orders should serve him with a Copy of such instructions as he may have received from me that the Governour thereby may be made accountable to your Lordships from his conduct therein. The Warrant before refer'd to was made out by the Secretary ten days after the order was given by me to the Surveyor and was in every respect contrary to His Majesty's 42nd Instruction. But at the same time I never gave any particular direction to the surveyor as it related to that Warrant other than what is above set forth. When the surveyor waited on the Governor in Council he laid before them his Majesty's 15th & 16th Instructions which he had received in charge from me. Upon which the Governor in Council renewed their order to him for the granting of a precept to his Deputy's. And then the Governour and Council immediately enter'd into the resolutions, which I have taken the Liberty to transmitt to your Lordships and ordered their tipstaff to go for me that I might answer for my conduct in giving such instructions in charge to the Surveyor without first consulting the Governour and Council therein. I accordingly waited on the Governour in Council and upon my coming into the Council Chamber the Governour ordered the Clerk of the Council to read to me y^e resolutions they had entered into and afterwards desired me to answer for my conduct for giving such orders to the Surveyor without first communicating the same to their board. In answer to which I told the Governour in the most respectfull manner that as the affair in question was a matter of great consequence I cou'd not take upon me to give an answer immediately but that if His Honour would be pleased to order the Clerk of the Council to make me out a copy of the several resolutions then read to me that I would by the next Council day give an answer thereto in Writing, the Clerk of the Council was directed to comply with my request and upon recēt of the same from him I drew up the declinatory Plea, which I have herewith transmitted to your Lordships. The Proceedings of the Governour and Council in this particular I

hereby conceive to be altogether inconsistent with His Majesty's Instructions to the Governour to support and protect me in the execution of my office and in several particulars must have an exceeding bad tendency as it throws my commission into contempt and would remove from me the only power I have granted me by commission Namely that of being at free Liberty to publish His Majesty's orders and Instructions and to require a due obedience to be paid to the same. And as several of the Members of the Council are party's in most of the frauds that have been committed if the Council are left at Liberty to explain to me the orders of the Crown, I do not apprehend that it would be in my power to do my duty in the execution of my Office. But on the other hand it is most humbly committed to your Lordship's consideration whether the free exercise of the powers granted to me can have any ill tendency as by my commission I have not any executive power as the Governour and Council is at Liberty provided they see I go from my Duty to order such Officers as I may give instructions to not to obey me and also that I have not the least power in any case whatsoever to enforce an obedience to the orders of the Crown other than that of representing any denial or neglect of duty in the Officer. And in this the whole power of my commission subsists for whilst it is apprehended by the Officers that they will meet with due punishment in case of denial or wilfull neglect of duty they will pay a due regard to such directions as I may give in behalf of the Crown but where all credit is removed from me by the proceedings of the Council and some of the principal Officers of the Crown in that Province particularly M^r Attorney General and the Secretary and Receiver General of the Quit Rents it cannot be expected that the Tenants of the Crown in this Province will pay any regard to such summons's or orders as I may give them in pursuance of my Instructions.

What has been done by the Council I have in all humble manner represented to your Lordships as above And shall now beg leave to represent to your Lordships that I have been credibly informed and assured by several persons that Governour Glenn wrote over to M^r Attorney General that the people need not in the least be alarmed at my coming over for that he would take effectual care to prevent me from carrying my designs into execution and he further assured him that I was in no manner of credit

or esteem with my superiors at home: And in support of what he said he wrote M^r Attorney that I had attempted to get the Quit rent Law repealed and also petitioned His Majesty in Council to be a Member of his Majesty's Council in South and North Carolina and that he had found means to defeat me in both these particulars. My Lords it would give me the greatest concern imaginable to represent any thing to your Lordships but what I really apprehended to be founded in truth and I would not have troubled your Lordships with mentioning the contents of those Letters But that I apprehended by M^r Attorney General showing of S^d Letters they have had a very ill effect in the Province. I gave notice to M^r Attorney General that I would represent this matter to your Lordships and desired that for my satisfaction that if the letters were not to the effect above mentioned that he would be pleased to shew them to me Which he denied to do and only told me that he had read the two letters he had received from M^r Glenn wherein mention was made to me to no person which he apprehended wou'd inform me of the contents. What I am most humbly to pray from your Lordships is that your Lordships wou'd be pleased to recommend it to His Majesty to lay his commands upon M^r Attorney General to produce the said Letters and that I shall have a power granted me to examine M^r Attorney General upon oath before the Chief Justice and to bring such persons as I may think proper to summons in order to prove what I have above represented if the informations given me should prove false this will be doing M^r Glenn a piece of Justice But on the other hand if they shall prove true your Lordships condescension in taking notice of this matter will have an exceeding good effect in the Province.

I shall now beg leave to represent to your Lordships that altho' I have given M^r Hammerton who acts as Receiver General of the Quit rents and also as Secretary of the Province repeated orders to make me out a state of the arrears of Quit rents due to his Majesty till the 25th of March 1740. And also a copy of the Receipts as entered in his Books And as Secretary that he wou'd make me out a list of all warrants and grants that have been issued since the year 1730. Yet I have not been able to get him to do anything in relation to what I have given him in charge nor do I expect that he ever will comply in making out a regular and fair account of the Quit rents as I am perswaded that he is in

arrears to the Crown at least £1500. sterling By an account which I took from his books he appears to be indebted to the Crown the 25th of March 1738. £1283, 5, 11 Procⁱⁿ Money but he has since that time given himself credit for several sums of money which he says he paid but for which he cannot produce Vouchers there is one sum in particular of £539, 5, 11. Procⁱⁿ money which he charges as paid to the Attorney General but upon my enquiring of him whether the Receiver had paid him any such sum he told me he never had received any such sum But that M^r Hammerton had engaged to pay him interest for the arrears of his salary till such time as it was paid up. Upon examining M^r Hammerton's Books I found that he seldom or never brought himself indebted to the Crown at such times as he received the Quit rents by himself and that all the arrears that appear to be due is upon the Return of his Deputy's accounts which were stated very clearly this gives me great reason to suspect that he has not made fair entry of the Receipts of Quit Rents ect: I am still further confirmed in this opinion by the Informations I have had from M^r Saxby who acted as one of his Deputy's that it appeared that when the Planters produced their last receipts for the payment of Quit Rents that they are in general but very little in arrear. M^r Hammerton is also greatly indebted to private persons and as I am informed he discharges many of the same by allowing such persons as he is indebted to to answer Quit Rents to others that are considerably indebted to the Crown. M^r Hammerton complains that the Quit Rents delivered to him by the Deputy Auditor is very irregular which is true but then it proceeds from the Auditor's not having it in his power to make out a list of the mesne Conveyances that have been made by the Original Grantees of the Crown and where any such have been entered in the Auditor's office he has always added them to the Rent roll without making a double entry which makes the amount of the Rent roll appear much greater than it really is and renders it extremely difficult to cheque the Receiver Generals accounts. I have made the Dep^y Auditor sensible of this error and pointed out a method to him by which the same may be remedied and as he has upon all occasions shewed a proper zeal for his Majesty's service I do not doubt but that he will be able to furnish the Auditor General with a perfect Rent roll in less than 12. months The only method by which I could

form a Judgement of the Quit rents of the Crown in S^c Carolina was by examing into the Provincial Treasurer's account of the Land Tax and by that it appears that there are 2.496'000 Acres of land returned upon which the land tax is paid and upon the best computation I cou'd make allowing for the different Quit Rents reserved under the late Lords Proprietors and under the Crown the Quit Rents will amount to about £2750. Proc^{lt} Money ^{per} annum exclusive of the Lands granted within the Townships which by the year 1747. will amount to at least £700 more and this sum I am purswaded may be regularly collected whenever the Lords of the Treasury shall think it proper to remove M^r Hammerton from his employment of Receiver General Provided the S^d employment is put into hands of a person who is acquainted with the affairs of the Province.

I humbly apprehend my Lords that by the above representation it will appear that the oposition that is given to me by the members of the Council and by several of the Officers of the Crown proceeds from the irregularitys they have been guilty of and also from the restriction they are put under in the land office by which means their fees are greatly lessen'd I have transmitted to your Lordships all the Vouchers I could possibly obtain at present in support of the above representation but when the proceedings of the Land Office and such minits of Councils and Assembly as I have directed the respective Clerks to make me out are laid before your Lordships they will fully prove the truth of what is here represented. There are several other matters which I shall hereafter submit to your Lordship's consideration namely with respect to the Regulations which I humbly conceive are absolutely necessary to be made in the method and form to be observed in the return of the Minits of Council and Assembly for as they stand at present I conceive it to be very difficult for your Lordships to form a right judgment of what they are doing in the Plantations And I shall also endeavour to point out to your Lordships the great inconvenience that attends the permitting of His Majesty's Governours in the Plantations to pass Laws of an unusual nature or by which the property of His Majesty's trading subjects are affected without incerting a suspending clause and that in many cases where laws are passed in the Provinces and sent home to be laid before his Majesty for His Majesty's approbation of the same that without

waiting to know His Majesty's pleasure thereupon they pass other Laws quite altering the purport and design of the former so that if the Crown approves of the former Law it is quite changed by the latter and if the Crown disapproves of the former Law. in that case the last Law will be in force from this cause it proceeds that there have been so many changes in the Paper Bills of Currency in America.

The delay given to me by the want of the returns of the accounts which I have desired from the several Officers and the ill state of health that I have been under for several months past has prevented me from giving that dispatch to business which I would otherwise have done—I have given directions to M^r Hammerton and also to the Clerk of the Assembly to transmit to your Lordships the Minits of Council & Assembly which will fully prove what I have represented to y^r Lord^{ships} in relation to the proceedings of the Assembly in the year 1739. And also in regard to what steps the Assembly have taken with respect to the Petition prefer'd to them by the Letters of the Township of Williamsburgh.—

I am with the greatest submission

May it please y^r Lord^{ships} y^r Lord^{ships} most oblidge &
most obedient humble servant
HENRY M^cCULLOH.

Cape Fear North Carolina

8th of Nov^{ber} 1741.

[B. T. R. O. S^o CAROLINA B. T. VOL: 11. G. 73.]

This publick Warrant is address'd to all Gentlemen Freeholders and others to whom it may concern.

12th November 1741.

GENTLEMEN,

His Majesty having been pleased by his Royal Commission to me as Commissioner for supervising inspecting and comptrolling His Majesty's Revenues and Grants of Lands to order and direct a strict enquiry to be made into the present method of passing of Grants of Lands through the several offices in this Province and to settle and regulate the same in such manner as that the Royal

Intentions may be most effectually answered therein. And His Majesty having been graciously pleased as an instance of his great goodness and concern for the ease and prosperity of His Subjects in this Province to command me to publish and declare that he will be graciously pleased to confirm all persons in the possessions they now hold under proprietary Patents or Grants or by Grants immediately derived under the Crown in pursuance of His Majesty's 42^d & 43^d Instructions to the Governour of this Province provided they will register their Grants and that they will oblige themselves to cultivate and improve their lands and to pay the Quit Rents that are legally due thereon.

In obedience therefore to His Majesty's commands and in respect to such Gentlemen as may have any concern in the matter herein treated of. I apprehend that it is a Duty incumbent on me to inform the gentlemen to whom this notice is addressed what His Majesty expects and requires they will comply with on their part which I Shall beg leave to do in the following manner namely

1st Notice is given to all such as claim lands by Proprietary Patents or Grants or by any other Title derived under them who have not comply'd with the directions of the Quit Rent Law. That they do forthwith register their Titles or Memorials thereof in the Office of the Auditor General or his Deputy and that all Lands that have been sold or devised to others be registered in the manner directed by the Said Act and that all Guardians Trustees and Attorneys who have any Lands in Trust are to take notice that if they do not comply with the directions of the said Act they will be answerable and accountable for the same and that if the record is not perfect the Party's concerned are to take notice that it will be incumbent on them to prove that they have tendered their Grants patents or memorials thereof in the Office of the Auditor General or his Deputy.

2^{dly} Notice is given to all such as have had any Lands ascertained to them by virtue of surveys made in pursuance of the directions made in the Quit Rent Law or that have taken out Grants from His Majesty's Governour in order to confirm their former Titles to Lands claimed under the late Lords Proprietors That they do forthwith register their respective Titles or Memorials thereof in the Office of the Auditor General or his Deputy.

3^{dly} Notice is given to all persons claiming lands by virtue of

Patents under the late L^{ds} Proprietors which Patents or Grants they alledge to be destroyed by fire or otherwise but of which they are not able to make full proof nor of the conditions on which the Grants were passed That His Majesty has been graciously pleased to signify His Pleasure to the Commissioner of the Quit Rents that he shall permit them to take out new Grants for the same at the proper and accustomed Office Subject to the Quit Rent of four shillings Proc^{lm} Money p^p 100 Acres. But as to all such as shall make full proof before the Commissioner of the Quit rents of their having had Patents from the L^{ds} Proprietors before the year 1727. and of the conditions on which they were granted, His Majesty's pleasure is that they shall hold their Lands agreeable to the Terms and Conditions of their Patents notwithstanding their having been destroyed by fire or otherwise and that the Commissioner of the Quit rents shall certify the same accordingly. And this further notice is given that if the partys concern'd do not accept of the terms that is now offered to them that they will be proceeded against as the Law directs.

4^{thly} Notice is given to all such as have Warrants granted them for Surveys or have platts or Surveys returned that they are to take out Grants for the lands claimed in right of the Warrants otherwise they will be prevented from doing it hereafter for as a Warrant is not a Title in Law those that will not do equity cannot claim it.

5^{thly} Notice is given to all such who possess Land by Grants under the Crown and to such as claim Lands by mesne conveyances, or by any other title whatsoever derived under the said Grants that such Titles respectively or Memorials thereof are to be registered in the Office of the Auditor Gen^l or his Deputy or that otherwise the original Grantees will be prosecuted for the Quit Rents and that all such as have not comply'd with the conditions of their Grants in settling and cultivating their lands do forthwith settle and cultivate the same.

6^{thly} Notice is given to all such as reside in this Province and have not paid their quit rents that by the Quit Rent Law their Lands are subject to be forfeited Provided the Quit Rents are five years in arrear and that no distress can be found upon their hands and thus further notice is given to such as claim or possess lands in right of Grants made out in pursuance of Purchase Warrants

that if they do not register Memorials of their Titles in the Auditors office and pay the Quit Rents in the manner directed by the Quit Rent Law that such Grants will be subject to forfeiture and that it is incumbent upon all persons who hold or possess Lands under several tenures to shew by the Receiver Gen^{ls} Receipts upon what particular Patents or Grants they have paid their Quit rents.

7^{thly} Notice is given to all such who have taken out Grants for Lands and committed any waste upon the same by cutting down the Timber that tho' they may have subjected their Lands to be forfeited by not complying with the conditions of their Grants or that in order to avoid the payment of the Quit Rents they have convey'd their Titles to others who are not residents in this Province. That they are hereby required to pay the Quit Rents that are due thereon for altho' there are conditions comprized in the Grants on failure of which they may be forfeited. Yet nevertheless it is at the Ellection of the Crown to enforce the performance of the conditions contained in the Grants. And it is apprehended that where the Conditions of the Grant is not comply'd with that a sale or surrender of the Grant does not discharge the Original Grantee, particularly when the same is made to any person that does not reside in this Province for by that means a claim would be kept up against the Crown and the Crown would be barr'd from having any remedy.

8^{thly} Notice is given to all such as claim or possess more lands than what they are entitled to by their Patents or Grants that His Majesty has been graciously pleased to signify his pleasure that if they do give notice of such surplus land to the Commissioners of the Quit Rents that they shall be permitted to take out New Grants for the same subject to the Quit Rent of four shillings Proc^{im} money & hundred acres And this further notice is given that if the party's concerned do not comply that the Commissioners of the quit rents will hereafter publish a notice assuring all such as will give him information of any surplus Lands claimed by others the party by whom the notice is given shall be entitled to have a Grant for the said surplus Land subject to the usual Terms and conditions of settlement.

9^{thly} Notice is given to all such as have taken out Grants for Land in pursuance of mixed surveys or of plats or surveys irregularly made out and returned that if they will apply to the Commis-

sioners of the Quit rents to be discharged from the same that he will submit a state of their case to the R^t Hon^{ble} the Lords Commissioners of His Majesty's Treasury and to the R^t Hon^{ble} the Lords Commissioners for Trade and Plantations and that the Partys concerned may expect such relief as the nature of their case may admitt.

Gentlemen you will perceive by the nature and tendency of the above Notice what His Majesty requires from you is calculated for the publick service and benefit of this Province and that your own ease and security depends upon the taking of proper measure in the settlement of your Lands and in the ascertaining and freeing your share of property from being ever hereafter drawn in question by the Crown and it is hoped that the easy and gentle method that is proposed to you in the effecting of this good work will invite you thereto as it is conceived that it cannot be argued with the least appearance of reason that it is placing any hardship on the Partys concerned in any of the matters above hinted at to register their Titles or Memorials thereof in the Office of the Auditor Gen^l or his Deputy particularly as the same may be registered at so low an expence as seven pence haltpenny Proc^m money & Copy sheet and if the Benefits arising to the Publick from the having of a regular Register of all Patents and Grants is considered the private Trouble the partys may be at in doing the same cannot be put in competition.

His Majesty has it in his power and has given it to the Commissioners of the Quit rents in charge that after his having given publick notice of His Majesty's Royal Intentions he shall by due course of Law enforce a compliance to what is now required But in order to avoid prosecutions His Majesty has been graciously pleased to command me to invite you to your duty with an assurance that such as comply with the directions of the Crown shall not be disturbed in their propertys or possessions and for this further reason that if it is possible there shall be any such as will not pay a just regard to the notice that is now given that the consequences that may attend a refusal shall be wholly imputed to themselves.

You are sensible that in justice to the Crown and in respect to the security of your landed interest you ought to pay the quit rents for such lands as you claim or possess. Yet it has appeared upon examination that tho' there is near Two millions five hundred

thousand acres of land returned upon your tax list that the Receiver General by his accounts has not collected since the purchase of this Province one year with another above £753. sterling p^{a} annum inclusive of my Lord Carterets $\frac{1}{3}$ th part of the quit rents. It is hoped that you will consider this and that you will as soon as possible state the accounts with the Receiver General and shew a readiness in doing what is in your power in the payment of the arrears of quit rent in which case the poorer sort of planters shall upon application had to the Receiver General of the Quit Rents be indulged with any reasonable time they may demand for the payment of the arrears of Quit rent. Gen^l from the reasonableness of what is proposed to you I doubt not but that you will readily comply with what is required and as it regards myself I beg leave to assure you that it shall be my particular study to do everything in my power for your ease and service.

I am

Gentlemen &c

Sign'd

HENRY M^cCULLOH.

(Endorsed) South & North Carolina. Publick Notice address'd to all Gentlemen Freeholders and others whom it may concern.

Rec^d with M^r M^cCulloh's letter to the Board dated 12th Nov^{ber} 1741.

Rec^d May ye 28th

Read $\left. \begin{array}{l} \text{June } 17^{\text{th}} \\ \text{July } 14^{\text{th}} \end{array} \right\} 1742$

G. 73.

[B. P. R. O. SOUTH CAROLINA B. T. VOL. 11. G. 70.]

To the Right Hon^{ble} the Lords Commissioners for Trade and Plantations.

12 Nov. 1741.

MAY IT PLEASE YOUR LORDSHIPS,

I received a letter from South Carolina 2 days ago informing me that the Grand Jury held at Charlestown the 25th of October last, had the Rent roll bill returned to them and afterwards condemn'd the same as Prejudiciall to the Interest of the province. This is a

proceeding of a most unusual nature and plainly shews what length the Members of the Council and the other Officers of the Crown in that Province will go, in order to defeat His Majesty's intentions declared under my Instructions. They were sensible that the Assembly could not with the least Honor retract from what they had agreed to, therefore they first got the Rent Roll bill printed in order to know if the Planters had any Objections thereto and Afterwards matters were so managed as to prevail on the Grand Jury to condemn the Bill as prejudicial to the interest of the Province. By this means the Assembly will have some Colourable reason for dropping the Bill which I am afraid they will be the more inclined to do, as there has been great care taken to inflame the Planters, and also that this Assembly will be dissolved in a little time and that the Elections comes on next Summer. These proceedings my Lords are intended to Obstruct me in the execution of my Office and I do not apprehend that it is in my Power to do any thing for His Majesty's Service 'till such time as those in power are made sensible that they will meet with due punishment whenever they shall dare to act in Opposition to His Majesty's Orders which in many instances the Officers of the Crown have done, as will appear by the Representation which I have humbly submitted to your Lordships

I am

May it please your Lordships

Your Lordships

Most Obliged & most

obedient humble servant

HENRY M^{re}CULLOH.

Cape Fear, North Carolina

12th November 1741.

[R. T. R. O. S^c CAROLINA B. T. VOL : 11. G. 74.]

Endorsed.

South and North Carolina.

Proposals of Henry M^cCulloh Commissioner of the Quit Rents with the Report of the Committee of the whole House thereon as agreed to by the House.

Rec^d with his Letter to y^e Board
dated Nov^{ber} 14th 1741.

Rec^d May y^e 28th

Read $\left. \begin{array}{l} \text{June } 17^{\text{th}} \\ \text{July } 14^{\text{th}} \end{array} \right\} 1742$

Prop. 1st That all persons claiming Lands by mesne conveyances derived under any Patents or Grants or by any other Title whatsoever derived from or under them that the Party claiming Lands in right of such Title shall be obliged withing 18. months from the ratification of this Act to register Memorials of their respective Titles in the office of the auditor General or his Deputy provided the same has not been already registered in the said office or that otherwise the Lands claimed by them Shall be Subject to forfeiture and be deemed as vacant Lands. And in order to keep up the registry of Lands in the Auditor's Office all persons who may hereafter derive any Title to Lands by mesne conveyances or otherwise Shall be obliged to enter memorials of such their Titles within six months after they are in possession or that otherwise their Land Shall be subject to forfeiture.

Report. Agreed to in general but that instead of Forfeiture it be under a penalty of paying treble quit rents from the lapse or omission of entering till the Memorial shall be enter'd and that it be done within 18 months after Publick notice shall be given in Province of His Majesty's Confirmation of the Act and that the Officer be oblidgeed under a penalty (by the same clause) to endorse on all Titles of which Memorials are enter'd that Memorials according to Law have been entered thereon and to sign such endorsement Provided that a Certificate is produced under the hand of the Purchaser of any lands acknowledging that he has purchased the same.

Prop. 2^d That all Guardian's Trustees and Attorneys who have any Lands in Trust for others be required at their peril and as they will answer the damages that may ensue to enter Memorials of such Titles as they may have under their respective management Direction or Trust.

Report. Agreed to under the same Limitations as the first.

Prop. 3^d That a Clause be inserted to exempt minors till 2 years after they are of age and such persons as are not Residents in this for 3. years after the ratification of this Act from any forfeiture of Titles on account of any omission or neglect that may happen from their not having Memorials of their Titles entered in the Office of the Auditor General or his Deputy.

Report. Agreed to, as above.

Prop. 4th That such as have possession of land without being able to produce any legal Title for the same shall be at liberty to take out Grants from the Governor in Council for the said Lands subject to the usual terms and conditions of settlement.

Report. Agreed to so that the person applying for such new Grants shall have it on the same terms and conditions as in his former Grant Provided he can make it appear upon what Terms such Lands were formerly held.

Prop. 5th That all persons upon payment of quit rent to the Receiver General or his Deputy shall be obliged to give in a State or Schedule of the Lands they then hold under different tenures or otherwise to forfeit double the Quit rents and that the Receiver General shall be obliged to give them a receipt under their State or Schedule so produced to him.

Report. Agreed that the first time any person shall pay his Quit Rents after Confirmation of this Act he shall be obliged to give a State or Schedule of the Lands he then holds but not afterwards unless a new purchase made or alteration of the property. The rest of this proposal agreed to.

Prop. 6th That Such as have Warrants granted to them for Surveys or have platts or surveys returned are to be at liberty to take out grants for the same Subject to the usual Terms and Conditions of Settlement. Provided the said Grants are made out for such platts as are returned within 6. months and for such Warrants as have not platts returned within 18. months from the ratification of this Act but otherwise they are to deliver up the said Warrants

and be Bar'd for ever after taking out Grants in right of them and that it shou'd be provided if any person makes waste on the King's Lands by cutting down the Timber or burning off lightwood that they shall for ever after be Subject to the Payment of the Quit Rents.

Report. Agreed to the first part of this Proposal except that persons be obliged to deliver up their Warrants and be barr'd for ever thereafter from taking out Grants in right of them and that the latter part of the Proposal relating to the committing waste stand as to imposing a penalty on the person committing such waste.

Prop. 7th That such as possess more lands than they are entitled to by their Patents or Grants shall within 18. months from the Ratification of this Act give an account of such surplus Lands to the Governor and Council in which case they shall be entitled to a new Grant for such Surplus lands upon the same terms and conditions contained in their former Patents or Grants. But if the partys concerned do not comply within the time limited they shall not have a preferance to any other person who may hereafter apply for a Grant of the said surplus lands.

Report. Agreed to with these amendments that as the lands in this Province are full of underwood which renders it difficult to run them out very exact, therefore where there is only ten acres in one hundred over measure and so in Proportion for a greater or lesser quantity it shall not be deemed to be Surplus land since a mistake of that quantity might probably happen from the difficulty in Surveying it. And that the term of 18. months be enlarged to five years after the confirmation of the Act and that the party taking out a Grant for surplus lands Shall be obliged to pay Quit Rents for the same from the time of the Confirmation of this Act.

Prop. 8th That all persons who hereafter sells or conveys any of their Lands to other Persons that are Residents in this Province that the party disposing of their Lands shall thereafter be discharged from the payment of the Quit Rents that may commence and grow due thereupon Provided the Quit rents are paid up till the time of sale and that a memorial of such conveyance be immediately enter'd in the office of the Auditor General or his Deputy.

Report. Agreed to with this Amendment that 6 months be allowed for entering Memorials of such Conveyance.

Prop. 9th That all persons claiming Lands by Patents or Grants or by any other Title derived under them (lands within the out-lines of the Town excepted) shall settle or procure to be settled within four years from the ratification of this Act, one white protestant man for every 1000 acres of land claim'd by them in right of any title whatsoever which person or persons shall be settled on the lands so claimed by them, and be subject to the Militia Law and that effectual care be taken that no Person do double duty and that the Person or Persons so settled have not been formerly entered in the Militia Rolls of this Province.

Report. Agreed to Provided it extend not to Proprietary Patents or Grants of Land made before His Majesty's Purchase of the soil of this Province and provided that the persons who are obliged from their quantity of Lands granted since his Majesty's purchase of the soil to provide a white man for every 1000. acres without the out lines of the Townships be at Liberty to settle those men on any part of the said Lands provided further that the owner of such Land or his son or sons of the age of 16. servants and overseers be deemed and taken as so many of the said Persons whom he is obliged by this Clause to produce on the muster Rolls of the Militia in the parish where such Land shall be scituate.

Prop. 10th That all persons claiming lands by Grants under the Crown or by any other title derived under them within the out lines of the Townships shall be obliged to settle or procure to be settled within 4. years from the Ratification of this Act two white protestant men for every 1000. acres of land claimed by them within the out lines of the Townships Which Persons shall be so settled upon the Lands so claimed and be subject to the Militia Law. And that effectual care be taken that no person do double duty and that the persons so settled have not been formerly enter'd in the Militia Rolls of this Province.

Report. Agreed to.

Prop. 11th That all such as have taken out Grants for Lands in pursuance of mixed surveys or of plats or surveys irregularly made out and returned that at any time within 6. months after the Ratification of this Act be at Liberty to surrender their said Grants Provided they do give notice to the Auditor General or his Deputy in Writing of such their surrender and provided also that the party who surrenders the same make oath before the Governor in Coun-

cil that they have not nor any person for them cut down any of the Timber or burnt the lightwood upon the lands which is then by them so tendered to be surrendered to the Crown.

Report. This clause agreed to in substance but to be extended to all Grants as well others as those upon mixed surveys where the party surrendering shall make oath that he has committed no willful waste by burning Kilns of Pitch or Tar thereon or felling the Timber to the value of £5. sterling The surrender to be admitted at any time within 18. months next after notice and publication in this Province of His Majesty's confirmation of this Act

Prop. 12.th That a Clause should be brought in to enable the Crown to recover escheated Lands But as to the present Escheats that it may be humbly offered to the Crown that the benefits arising therefrom shall be apply'd in such manner as the Gov^r Council and assembly shall direct for the encouragement of Foreign Protestants or others to settle in this Province.

Report. Agreed to Provided that the application of the moneys arising from the escheated Lands be not particularly specified and that the power be given to the Court of Common Pleas for the recovery thereof and that in the Bill it be particularized what is intended by escheated Lands.

Prop. 13.th That it may be enacted that all Grants that have been made out by His Maj^{ty's} Gov^{rs} since the purchase of this Province by the Crown shall be confirmed and provided no escheated lands are included within any of the said Grants.

Report. Agreed to. Provided it extend not to Grants within the Townships but to all other Grants against the Crown and that a saving clause be added for private Propertys.

Prop. 14.th That a suspending clause be incerted to prevent this Bill from taking Effect till His Majesty's pleasure is made known thereon.

Report. Agreed to.

It was agreed further that a clause be added to confirm every part of the Quit Rent Act that shall not be alter'd by the intended Regulations of this Act.

1742.

[B. P. R. O. So : CAROLINA B. T. VOL : 12. G. 109.]

This Publick Notice is addressed to all Gentlemen Freeholders and others whom it may concern.

In obedience to his Majesty's commands and in respect to such Gentlemen who may have any concern in the Matters herein treated of I apprehend that it is a duty incumbent on me to inform the Gentlemen to whom this notice is addressed what his Majesty's Instructions (to the Commissioners of the Quit Rents) are in relation to them.

1st In relation to such Gentlemen as claim lands in Albemarle County in right of what has been generally termed their Grand Deed or Charter his Majesty has signified his Pleasure in the following Terms. namely.

Whereas many disputes have been occasion'd by the pretended rights of persons in Albemarle County in North Carolina by virtue of what they term their grand Deed or Charter being in fact as we are given to understand only a Temporary provision: Yet nevertheless in order to settle and determine the property of such persons as claim lands in that County under that right you are to permit all persons claiming Lands in the said County by virtue of such Patents under the Lords Proprietors before the year 1727. to hold those Lands subject to the rate of two shillings sterling Quit Rents only per : hundred acres or if they shall insist to pay their Quit Rents in the product of that Country such product shall be brought at their own charge unto the next Port or Place where the King's Receipt is held and there be valued on the foot of sterling money by sworn appraisers.

By what is usually termed the Grand Deed or Charter admitting it to have been in force and to have subsisted till the time of his Majesty's Purchase (which in fact is otherwise) all the rights and privileges that can possible be claimed in right of said deed, is, that the Gentleman of Albemarle County shall hold their Lands upon the same terms and conditions that Land was usually granted in Virginia in 1668—The Deed of Grant refered to expressly mentioning " That such as shall come into the said County of Albe-

marle to plant or inhabit shall hold their Lands upon the same Terms and Conditions that Land at this present (1668) is usually granted in Virginia anything in our (the said Lords Proprietors) Instructions and Concessions aforesaid to the contrary notwithstanding." Which plainly shows that the Priviledges granted under the said Deed do not extend further in any respect than what is comprized within the Grants that were usually made out in Virginia in the year 1668 which Grants were made out upon the following Terms and Conditions namely. "That the Grantee shall hold his lands with his due share of all mines and minerals therein contained with all woods and waters with all rights and priviledges of hunting hawking fishing and fowling with all woods waters and rivers with all profits commodities and Hereditaments whatsoever thereunto belonging to him the said _____ his heirs and assignes for ever in as full and ample a manner to all intents and purposes as is expressed in a Charter of orders from the late Treasurer and Company dated the 18th November 1618. or by consequence may be justly collected out of the same or out of the Letters Patents whereon they are grounded To be held of our sovereign Lord the King his heirs and successors for ever as of his Manor of East Greenwich in free and common soccage and not in Capite or by Knight's service yielding and paying unto our sovereign Lord the King his Heirs and successors for every fifty acres of land hereby granted yearly at the Feast of S^t Michael the Archangel the free rent of one shilling which payment is to be made yearly from year to year according to his Majesty's Instructions of th 12th of September 1662. Provided that if the said _____ nor his assignes do not seat nor plant nor cause to be seated or planted upon the same land within three years next ensuing the date hereof Then it shall be lawfull for any adventurer or Planter to make choice thereof and seat on the same."

Having for your further information given you a true state of the grants that were made out in Virginia in the year 1668. I shall beg leave to observe to you that neither by the Grants that were made out in Virginia nor by any Title or priviledge convey'd to the Inhabitants of Albemarle County in right of what is usually termed their Grand Deed or Charter That the Inhabitants of said County have not the least Title or Priviledge to assume the payment of their Quit Rents in Commodities.

I am well appraised that what has led many of you into mistakes is. That soon after the Restoration the Quit Rents of Virginia were settled by Act of Assembly to be paid in Tobacco's at 2^d p lb. and that they were received upon that foot till the year 1684 at which time the King repurchased the soil from the Earl of Arlington and Lord Culpepper to whom by Letters Patent it was granted for 31 years. Upon this purchase the King declared that rather than take Tobacco's at the price then rated he wou'd accept of a piece of Eight for a Crown Sterling which offer was not generally accepted of the Law still subsisting Therefore in the year 1686. the King ordered a repeal of the said Law at the same time declaring by His Instructions to his Governour that he would accept of Tobacco at 1^d p lb. And thus it hath continued ever since under a Standing Instruction to the Gov: to cause the Quit Rent Tobacco to be sold yearly by inch of Candle which is the Warrant as well for the receiving of it as for the sale of it.

By the State which I have given you of the Proceedings of the Crown in relation to the Law above refer'd to it fully appears that the said Law in the repeal thereof was considered as a Law enacted contrary to the powers vested in the Governour Council and Assembly as void and nullety in itself for otherwise the said Law could not have been repealed so as to make such as held Lands under the Earl of Arlington and Lord Culpepper subject to any new conditions in the payment of their Quit Rents.

Gentlemen I have endeavoured to demonstrate to you that by the deed of Grant you have not the least Title to any Priviledge enjoyed by His Majesty's subjects in Virginia other than what is comprized within the Terms and conditions set forth in their Grants.

That the Law above refer'd to was considered by the Crown as void in itself and that if it had been otherwise that the Deed of Grant does not intitle you to any Priviledge enjoyed by the Planters of Virginia in right of their Municipal Laws.

The offers the Crown has been graciously pleased to condecend to make you in the foregoing Instructions are very favourable and I hope in duty to His Majesty you will thankfully accept of them—the method and form to be observed in the receipt of your Tobacco is not fully pointed out to me by my Instructions but as I apprehend by the whole tenor of my Instructions that his Majesty's

gracious Intention in relation to the Tennants of the Crown in this Province is principally to invite them to their Duty by offering them the most reasonable and equitable Terms.

I shall therefore in obedience to what I humbly conceive to be his Majesty's gracious intentions under the said Instructions and as a Temporary Expedient to prevent all disputes in the ensuing Collection of the Quit Rents give the necessary directions to the Receiver General of the Quit Rents.

That the Gentlemen of Albemarle County who possess Lands in right of Grants which have been made out in pursuance of what they term their Grand Deed or Charter shall be at Liberty to pay their Quit Rents in the following manner, namely Two shillings sterling for every hundred acres of land possessed by them allowing to such as make prompt payment the same discount as is usually allowed in Virginia And to such as pay in good merchantable Tobacco's at 1^d p lb and per cent disc^t: for the charge in bringing it to the Publick Stores in each County, and the other four per cent which was formerly allowed under the late Quitrent Law to be apply'd towards answering the charge of the Store Keepers untill such time as provision can be made by the publick to answer that charge.

But as to all such as do not pay their Quitrents within the time limited, that they are not to be entitled to any prompt or discount on payment of their Quitrents.

2^{dly} In relation to such gentlemen as Claim Lands in right of Proprietary patents, His Majesty has been graciously pleased to signify His pleasure in the following terms namely, "And as an Encouragement to such Land holders to come in and be obedient to your Summons, You are to assure them that upon their compliance with such summons We will be graciously pleased as an indulgence to such as hold Lands by virtue of Patents granted by the late Lords Proprietors before the Year 1727 to order their Titles to be confirm'd provided they were in actual possession of the Lands at that time or had surveys regularly made and returned and on condition likewise that they register their grants regularly and claim no more Lands than are mentioned in their Patents and that in case they appear to be in possession of a surplus of land, We are graciously pleased in such case to admit them to take out new patents for the same subject to the Quitrent of 4^s. Proclamation

money per 100 acres prescribed by Our Royal Instructions to our Gov^{rs} there. And as to all persons claiming lands by virtue of and under patents derived from the Lords Proprietors since 1727 upon producing to you the same Patents and having the same regularly Endorsed by you mentioning the conditions following, that is to say the paying of 4^s. Proclamation money for every 100 Acres contained in their grants and that they bind themselves down to the usual terms and conditions of Settlement. In such case the producing the letters patents and your endorsement thereon shall be evidence of the grantees right, provided the same be regularly registered in the Auditors Office there within six months next after the date of such your endorsement. And whereas Sir Richard Everard when Governor of North Carolina under the Lords proprietors in or about the year 1729 granted several Tracts of land in North Carolina in consideration of the trouble and expence of the commissioners for running the boundary line between that Province and Virginia, We are graciously pleased to declare and grant that every such person or persons as shall fully prove before you and to your satisfaction the right of purchase under that claim shall be allowed to hold their lands on conditions in their grants reckoning every thousand acres of land as an equivalent for Ten pounds sterling due to them or to such persons under whom they lawfully claim. You are therefore hereby required to take such proof or proofs, which proofs when taken, (if found agreeable to our instructions) and your allowance thereof being recorded within six months after in the said Auditors Office shall be sufficient evidence of the original right to ye Quantity of Lands by the said proportion limited, An extract of which proofs you are at the same time to transmitt to the Commissioners of our Treasury, And our commissioners for Trade and Plantations."

By the foregoing Instructions it will appear evident that what His Majesty has principally in view is to Establish order and quiet in the Province, which cannot be properly effected without the forming of a proper register or Record in the Auditor's Office, the doing of which is made a previous condition to that of the confirmation of property in the possession of your Lands.

And I doubt not but that on your part you will readily comply therewith: the concessions of the Crown having been very great as it may with Justice be affirmed that this the Titles to the Patents

that were made out in due form before the first of January 1727 are confirmed by the act of surrender that yet never the less the Crown has a right to demand the arrears of Quitrent due from the year 1716. And in relation to the purchase money which is supposed to be paid in consideration of said patents the Crown has equally a right to Enquire into that matter. And as to all patents which have been made out from after the first of January 1727, I apprehend that such as hold land in right of those patents have not the least Title in Law to their possessions. I have mentioned these particulars to shew you what lengths the Crown has gone in order to invite you to your duty in the regular payment of their Quitrents in the laying a state of your patents before me. And in the registering of the same in the Office of the Auditor General or his Deputy. I am sensible that by the last instruction which I have above recited, some difficultyes will arise with respect to the claimants.

The Lands (as supposed under the instruction) not having been assigned over to the Commissioners who run the boundary line between this Province and Virginia but only sold in order to discharge the sum then due to them, As this is a new matter which arises under the Instruction I shall represent the same to the Right Honorable the Lords Commissioners of His Majesty's Treasury and I have not the least reason to doubt but that if you in the meantime comply with what I have proposed to you that such order and instructions will be given by their Lordships as will be fully to the satisfaction of all the Partys concerned.

In relation to such gentlemen as claim lands bye Warrants or grants immediately derived under the Crown His Majesty has been pleased to direct the Commissioner of the Quitrents; that if the conditions upon which the warrants were issued and those grants made out have not been comply'd with, In such cases to give Publick notice in writing, That if they do not comply with the conditions of their grants their Lands shall be deem'd as lapse-lands. I shall now beg leave to address myself in general Terms to all the gentlemen who may have any concern in the matters above hinted at.

Gentlemen, you are sensible of the advantages that will acruce to yourselves as well as to the publick in the removal of all disputes depending between the Crown and you in relation to the

possession and inheritance of your landed property. That the keeping up a regular record in the Auditor's Office may be a means of preventing many Disputes that might otherwise arise not only with the Crown but amongst yourselves, That if you possess greater quantities of land than what you are entitled to by your grants, you ought to pay Quitrents for the same, that Justice should be done the Crown in the payment of the Quitrents and that some regular method should be prescribed and observed in the collection of the same. This is what the Crown expects from you and I hope in duty to His Majesty you will comply therein with the greatest cheerfulness.

His Majesty's condescension has been very great in the indulgent terms offered to you and if you do not comply on your part I am commanded to inform you that you are not hereafter to expect the least indulgence from the Crown, but that you will be proceeded against as the law directs, therefore whatever consequences may attend a refusal must be wholly imputed to yourselves.

As it regards myself I beg leave to assure you that I am with the greatest truth

Your most Devoted and
most obedient humble
Servant

HENRY MACCULLOH

Wilmington, 20th March 174 $\frac{1}{2}$
Cape Fear
North Carolina.

[B. P. R. O. SO: CAROLINA. B. T. VOL: 12. G. 109.]

To the Right Honourable the Lords Comm^{rs} for Trade and Plantations.

19 Aug. 1742

May it please your Lordships.

I have herewith transmitted to your Lordships the Copy of a publick notice address'd (the 20th of March last) to all Gentlemen Freeholders and others to whom it may concern in the Province of North Carolina which will inform your Lordships pretty clearly of the nature of the disputes which subsists in relation to what the

people in Albemarle County claim in right of their Grand Deed, and also as it relates to such as claim Lands in right of Patents granted by Sir Richard Everard during the time the Land Office was shutt up in pursuance of orders given by the late Lords Proprietors in the years 1716 & 1718. I apprehend that the Terms offered under the said notice would very readily be accepted of by the Planters if it was not that they have imbibed a strong opinion that the Governor will be able to procure them as good Terms as those they had under the late Quit rent Law and that many of them have an opinion that as they comply'd with the Terms of the late Quit rent Law in registering their Grants: that tho' the Law is repealed yet nevertheless they are thereby confirmed in their possessions and what still confirms them the more in this way of thinking is That after the Governor had notice of the Repeal of the Quit rent Law he passed an Act Entitled An Act to enlarge the time for enrolling of Lands in the Auditor's Office and proving the Quiet possession of lands for twenty years past and upwards. This Act differs greatly from the Title given to it and in most respects (in the opinion of the Lawyers of this Province) confirms such Acts as were done under the late Quit Rent Law. The Officers of the Crown in this Province have not plainly refused to do their duty as Hammerton has done in South Carolina but hitherto they have given such affected delays under many Pretences that I cannot prevail on them to give me any regular state of the Grants & Quitrents Therefore I apprehend it to be for His Majesty's service that I should remain inactive untill your Lordships pleasure is Known in relation to the Representation I did myself the Honour to transmitt to your Lordships in November last.

I am

May it please your Lordships
your Lordsh^{ps} most obliged and
most obedient

humble servant

HENRY M^cCULLOH.

Wilmington Cape Fear

North Carolina 19th Augst 1742.

[Endorsed]

Rec^d Feb^{ry} ye 3^d } 1742²
Read June 31st }
G. 109.

1744.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 56. P. 128.]

King's Warrant appointing Enoch Hall Esq^{re} Chief Justice of
North Carolina.

21st April 1744.

GEORGE R,

Trusty and welbeloved We greet you well. Whereas We have taken into Our Royal consideration the Integrity and Ability of Our trusty and welbeloved Enoch Hall Esq^{re} We have thought fit hereby to require and authorize you forthwith to cause Letters Patents to be passed under Our Seal of that Our Province of North Carolina in America for constituting and appointing the said Enoch Hall our Chief Justice of and in Our said Province in the room of William Smith Esq^{re} deceased to have, hold, execute and enjoy the said Office, during Our pleasure and his Residence within our said Province together with all and singular the Rights Profits, Privileges and Emoluments unto the said Place belonging or appertaining with full power and authority to hold supreme courts of Judicature at such Places and times as the same may and ought to be held within Our said Province And for so doing this shall be our Warrant. And so We bid you Farewell. Given at our Court at St. James's the twenty first Day of April 1744 in the seventeenth Year of our Reign.

By His Majesty's Command

HOLLES NEWCASTLE

To our Trusty and welbeloved Gabriel Johnston Esq^{re} Our Cap^t Gen^l & Gov^r in Chief for our Province of North Carolina in America and in his absence to our Command^{er} in Chief or to the President of our Council of our said Province for the time being.

[B. P. R. O. SO : CAROLINA. B. T. VOL: 13. H. 46.]

Order of the King in Council. At the Court at St James's
the 9th day of May 1744.

Present.

The Kings most Excellent Majesty in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated this day in the words following viz^t

In Obedience to your Majesty's Order in Council of the 21st of March last referring to this Committee a Return made by the Commissioners appointed in behalf of your Majesty as also of the Lord Carteret to sett out and allott to His Lordship one full eighth part of the Province of Carolina together with a Plan of the Lands so laid out and allotted to him by the said Commissioners—The Lords of the Committee have this day taken the said Return and Plan into Consideration and thought proper upon this occasion to look back into the several steps that have been taken upon this Affair—Whereupon their Lordships do humbly Report to your Majesty that they find Lord Carteret did sometime since present his humble Petition to your Majesty setting forth his Right under Letters Patents granted by King Charles the^oSecond to one full undivided eighth part of the Provinces of Carolina and also of the arrears of Quit Rents and other dutys, Reckonings, Claims and Demands and humbly praying that his said eighth part of the soil of the said Province and Territorys might be set out and allotted to him in such part of the said Provinces and Territorys as should be agreed on between such persons as your Majesty should be pleased to appoint for your Majesty and such persons as the Petitioner should name on his part, to Have, Hold and Enjoy the same for ever hereafter in severalty to the Petitioner his Heirs and Assignes together with all and every the same Royaltys, Powers and Libertys Franchises and Privileges (the Government thereof and of the said Province of Carolina only excepted) as far as concerns such Eighth Part to be so allotted to the Petitioner as the Petitioner is entitled unto under the said Letters Patents and an act of Parliament passed in the second year of your Majesty's Reign for establishing an Agreement with seven of the Lords Proprietors of Car-

olina for the surrender of their Title and Interest in that Province to his Majesty in case such Division or Allottment was not or should not be made and under the like Quit Rents proportionably as is mentioned in the said Letters Patents according to the Petitioners Proportion or Eighth Part thereof, and thereupon the Petitioner humbly offered and proposed to surrender to your Majesty your Heirs and Successors his share and interest of and in the Government of the said Province or Territorys and to convey, release and confirm to your Majesty your Heirs and Successors the other seven Parts of the said Province—Which Petition being referred by your Majesty to this Committee their Lordships did on the 24th of August 1742 make their Report thereupon to your Majesty wherein they set forth that they had referred the said Petition to the Lords Commissioners for Trade and Plantations who had offered as their Opinion that it would be for your Majesty's service that the Lord Carteret's Property should be seperated from that of your Majesty wherein he should enjoy whatsoever he is entitled to by the Charters of Carolina and the aforesaid Act of Parliament, and for the better preventing any Difficulties that might attend the setting out an Eighth Part of the said Province the said Lords Commissioners conceived the Method proposed by the said Lord Carteret would be the most effectual and that upon consideration thereof this Committee did agree in Opinion with the said Lords Commissioners for Trade and Plantations that the said Lord Carteret's Property should be seperated from that of your Majesty and to that end this Committee humbly proposed that the respective Governors of South and North Carolina or either of them as your Majesty should be pleased to direct be ordered to nominate and appoint proper persons as Commissioners on your Majesty's behalf not exceeding five, who in conjunction with a like number of persons to be appointed by the Lord Carteret as Commissioners on his behalf should be empowered to set out and allot to the said Lord Carteret one full Eighth part of the said Provinces of Carolina in such part or parts of the said Provinces and Territorys as should be agreed upon by the Commissioners so to be appointed as aforesaid and that they should be required to make a return of their proceedings therein to your Majesty in Council within eighteen months after the date of your Majesty's Order to be made upon the said Report and also to lay before your Majesty a Plan contain-

ing a full and exact description of the said Lands together with the respective Boundaries thereof in order to your Majesty's signifying your Royal Pleasure (in case your Majesty should approve thereof) for conveying the same to his Lordship in such manner as should be advised by your Majesty's Counsel learned in the Law, Provided the said Lord Carteret should at the same time make a surrender to your Majesty of all his Pretensions to the Government of the said Provinces of Carolina and should Convey release and confirm to your Majesty your Heirs and Successors the other seven parts of the said Provinces and for the better Guidance of the Commissioners so to be appointed on your Majesty's behalf in the discharge of their duty herein the Committee conceived that it might be advisable for your Majesty by your order in Council to require the said Commissioners to follow and observe such directions and instructions as might be found necessary to be given them from time to time either by your Majesty or by those who act under your Majesty's Royal authority—Which Report of the Committee being laid before your Majesty in Council on the 15th of September 1742, your Majesty was pleased to approve thereof and to give the necessary directions for appointing Commissioners on your Majesty's behalf and to empower them (in conjunction with the Commissioners to be appointed by the Lord Carteret) to set out and allot to the said Lord Carteret one full Eighth Part of the said Provinces of Carolina and to require them to make a Return of their Proceedings therein to your Majesty in Council within 18. months of the date of your Majesty's said Order together with a Plan containing a full and exact description of the said Lands with the Boundaries thereof Pursuant whereto the Commissioners appointed to lay out the said Lands as well on behalf of your Majesty as of the Lord Carteret have made the Return now referred by your Majesty to this Committee dated the 6th day of December 1743. together with the Plan of the Lands they have laid out and allotted to the said Lord Carteret whereby it appears that they have allotted to His Lordship one full Eighth part of the Provinces of Carolina in one entire separate District in the Province of North Carolina next adjoining and contiguous to the Province of Virginia which eighth part is bounded to the North by the line in the said Plan that divides Carolina from Virginia to the East by the great Wes-

tern Ocean commonly so called and as far Southerly as a Cedar Stake set upon the Sea side in the Latitude of 35. Degrees and Thirty four minutes of North Latitude being six miles and a half to the Southward of Cluckinacomack Inlet from that Stake by a West Line which passed twenty five feet to the Southward of the House where Thomas Wallis liveth and so West as far as the bounds of the Charter granted to the Lords Proprietors of Carolina by His Majesty King Charles the Second which West Line went within 1660 Poles to the North of the South end of Bath Town All which Boundaries are marked out and ascertained by the said Plan. Upon consideration whereof the Lords of the Committee do agree humbly to report as their Opinion that your Majesty may be pleased to approve of the said Return and Plan and of the allotment thereby made to the said Lord Carteret for his one eighth part of both the Provinces of Carolina and that thereupon it may be advisable for your Majesty to order your Attorney and Solicitor General to prepare the necessary Instruments or Deeds conformable to what is contained in the aforementioned Reports approved by your Majesty on the 15th September 1742. for Conveying, Releasing and Confirming the said Lands to the said Lord Carteret and his Heirs and likewise for the said Lord Carteret's surrendering up to His Majesty this day took the said Report into consideration and was pleased with the advice of his Privy Council to approve thereof and also of the said Return and Plan hereto annexed and of the allotment of Land thereby made to the said Lord Carteret for his one eighth part of the Provinces of Carolina. —And His Majesty doth hereby order that M^r Attorney and M^r Solicitor General do prepare such Instruments or Deeds as are proposed by the said Report and present the same to His Grace the Duke of Newcastle His Majesty's principal Secretary of State who is to lay the same before His Majesty and to prepare a Warrant for His Majesty's Royal Signature in order to pass the Deed or Instrument for confirming the said Lands to the Lord Carteret under the Great Seal upon the said Lord Carteret's executing the Deed or Instrument of Surrender on his part. —

A true Copy.

W. SHARPE.

[B. P. R. O. SO: CAROLINA B. T. VOL: 13. H. 44.]

White Hall. October 26th 1744.

MY LORDS,

I send your Lordships herewith, by His Majesty's Order a printed Copy of the Grant and Release from His Majesty, under the Great Seal of this Kingdom, of one eighth Part of Carolina to my lord Carteret (now Earl of Granville) and also of the surrender of seven eighth Parts of Carolina from my lord Granville to His Majesty: which His Majesty has commanded me to transmit to your Lordships for your Information, and Direction.

I am

My Lords

your Lord^{sh}s

most obedient

humble servant

HOLLES NEWCASTLE.

[Endorsed]

Rec^d Nov^{ber} 6th }
Read — 7th } 1744.

[B. P. R. O. SO. CAROLINA B. T. VOL. 13. H. 45.]

GRANT AND RELEASE

OF

ONE EIGHT PART

OF

CAROLINA

FROM

HIS MAJESTY

TO

LORD CARTERET

22. pp. Printed.

[Indorsed.]

Received Nov^r 6th 1744

with the Duke of Newcastles' letter

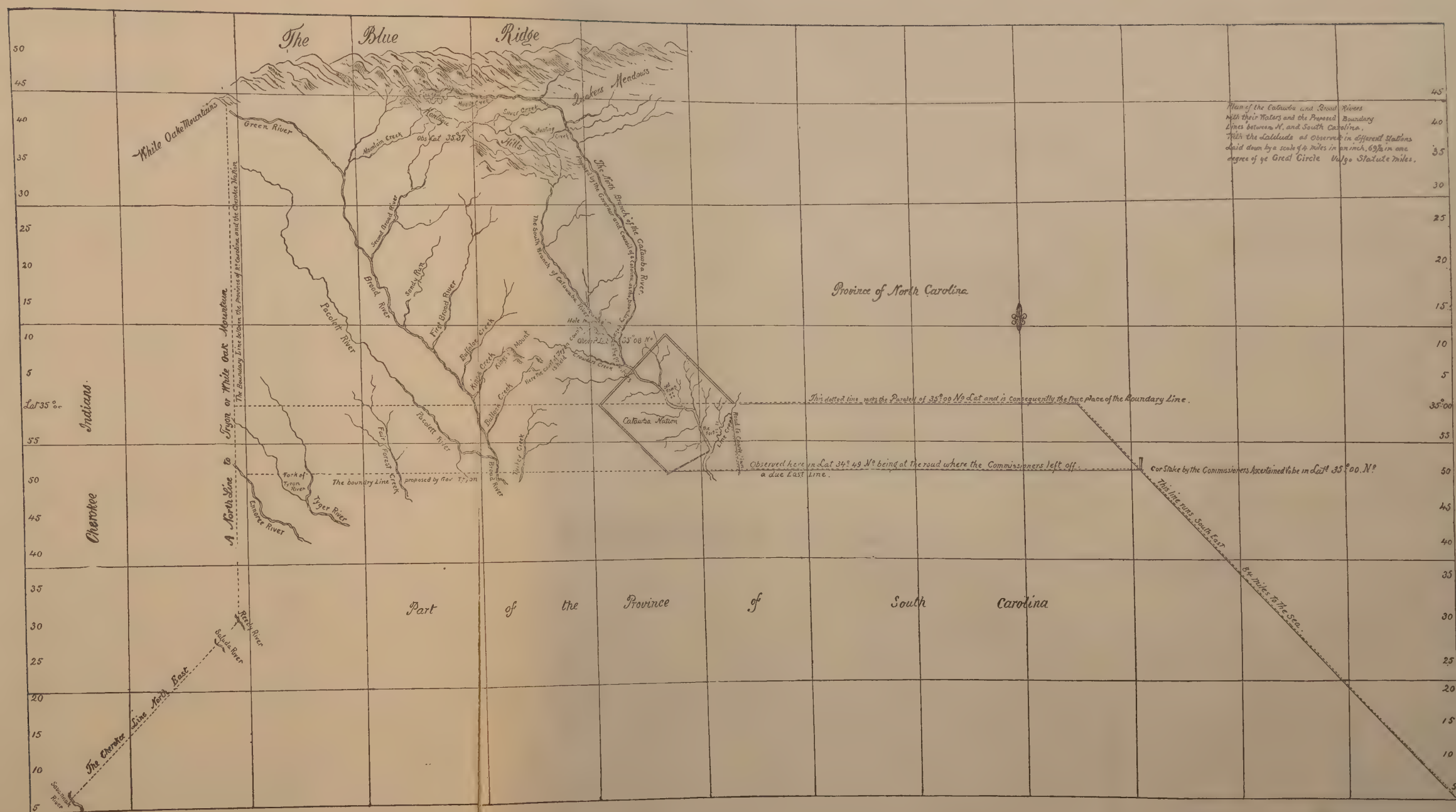
dated 26th Oct. 1744.

N. B. The above has been reprinted from the revised Statutes of North Carolina Vol. II. p. 15 in the Colonial Records of North Carolina Vol. IV. pp. 655—663, and is therefore omitted here.—W. N. S.

[B. P. R. O. So. CAROLINA, B. T. VOL: 13. H. 45.]

Surrender of seven eight parts of Carolina from Lord Carteret to His Majesty.

This Indenture made the seventeenth Day of September, in the eighteenth year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith &c: and in the year of our Lord 1744. Between our said Sovereign Lord the King's most excellent Majesty of the one part; and the Right Honourable John Lord Carteret of the other part. Whereas His late Majesty King Charles the second by his Letters Patent, under the Great Seal of Great Britain, bearing date at Westminster the 24th day of March, in the fifteenth year of his reign, did grant and confirm unto Edward then Earl of Clarendon, George then Duke of Albemarle William then Lord Craven, John then Lord Berkley, Anthony then Lord Ashley, Sir George Carteret Knt: and Bart: Sir William Berkley and Sir John Colleton Knt: and Bart: all since deceased, their Heirs and Assignes All that Territory or Tract of Ground situate lying, and being within his said late Majesty's Dominions in America, extending from the North End of the Island called Lucker Island which lyeth in the Southern Virginia Sea and within 36. Degrees of the Northern Latitude and to the West as far as the South Seas and so Southerly as far as the River S^t Mathias, which bordereth upon the Coast of Florida, and within 31. Degrees of Northern Latitude, and so West in a direct Line as far as the South Sea aforesaid; together with all and singular Ports, Harbours, Bays, Rivers, Isles, and Islets belonging unto the country aforesaid; and also all the soil, lands, fields, Woods, mountains, farms, lakes, rivers, Bays and Islets, situate or being within the Bounds and Limits aforesaid, with the fishing of all sorts of fish, Whales and Sturgeons, and all other Royal Fishes, in the Sea, Bays, Islets, Rivers within the Premises and the fish therein taken: And moreover all Veins, Mines, Quarries as well discovered as not discovered of Gold, Silver, Gems and Precious Stones, and all other whatsoever, whether of Stones, Metals, or any other Thing whatsoever found or to be found within the Country Islets and Limits aforesaid And also all the patronage and advowsons of all Churches and Chappels



which as the Christian Religion should increase within the Countries Isles Islets and Limits aforesaid shall happen then after to be erected Together with License and Power to build and found Churches, Chappels and Oratories in convenient and fit places within the said Bounds and Limits and to cause them to be dedicated and consecrated according to the Ecclesiastical Laws of the Kingdom of England Together with all and singular the like and as ample Rights, Jurisdictions, Privileges Prerogatives, Royalties, Liberties, Immunities and Franchises of what kind soever, within the country, Isles, Islets and Limits aforesaid To Have, Use, exercise and enjoy and in as ample manner as any Bishop of Durham in the Kingdom of England ever theretofore had held used or enjoyed or of Right ought or could have, use or enjoy: And His said late Majesty did thereby for Himself, his Heirs and Successors make create and constitute the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret Sir William Berkley, and Sir John Colleton their Heirs and Assignes the true and absolute Lords and Proprietors of the Country aforesaid and of all other the Premisses (saving always the Faith, Allegiance and Sovereign Dominion due to His said Majesty, His Heirs and Successors for the same) To Have, Hold Possess, and enjoy the said Country, Isles Islets and all other the Premisses, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret Sir William Berkley and Sir John Colleton their Heirs and Assignes for ever, to be holden of His said late Majesty His Heirs and Successors, as of his Manor of East Greenwich in the County of Kent in free and common Soccage and not in Capite, or by Knight's Service; Yielding and paying yearly to His said Majesty His Heirs and Successors for the same, the fourth part of all Gold and Silver Ore within the Limits aforesaid which should from time to time happen to be found, the yearly Rent of Twenty Marks.

And Whereas his said late Majesty King Charles the second, by other Letters Patent, under the Great Seal of England bearing date the 30th of June in the seventeenth year of His Reign reciting the Letters Patent Herein first recited, did grant unto the said Edward Earl of Clarendon, George Duke of Albemarle William

Lord Craven, then Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton and Sir William Berkley, their Heirs and Assignes All that Province, Territory or Tract of Ground situate lying and being within His late Majesty's Dominions of America extending North and Eastward as far as the North End of Carrahtuck River or Gullet upon a strait Westerly Line to Wyonoake Creek which lies within or about the Degrees of 36. and 30. Minutes Northern Latitude, and so West in direct Line as far as the South Seas, and South and Westward as far as the Degrees of 29. inclusive Northern Latitude and so West in a direct Line to the South Seas; together with all and singular Ports, Harbours, Bays, Rivers, and Islets, belonging unto the Province or Territory aforesaid, and also all the soil, lands, fields woods farms, lakes, rivers, bays, and islets situate or being within the Bounds or Limits last before mentioned, with fishing of all sorts of fish, Whales, Sturgeons, and all other Royal fishes in the Sea, Bays, Islets and Rivers within the Premisses and the Fish therein taken together with Royalty of the Sea upon the Coast within the Limits aforesaid and all Veins, Mines and Quarries as well discovered as not discovered of Gold, Silver, Gems and Precious Stones, and all other whatsoever be it of Stones Metals or any other things found or to be found within the Premisses, Territory Islets and Limits aforesaid And furthermore the Patronages and Advowsons of all Churches and Chappels which as the Christian Religion should increase within the Province, Territory Isles and Limits aforesaid should happen then after to be erected, together with License and Power to build and found Churches, Chappels and Oratories in convenient places within the said Bounds and Limits and to cause them to be dedicated and consecrated according to the Ecclesiastical Laws of the Kingdom of England, together with all and singular the like as ample Rights, Jurisdictions Privileges Prerogatives, Royalties, Liberties, Immunities and Franchises of what kind soever, within the Territories Isles Islets and Limits aforesaid To Have, Hold, use and exercise and enjoy the same as amply and fully and in as ample a Manner as any Bishop of Durham, in the Kingdom of England ever theretofore had held used or enjoyed or of Right ought or could have, use or enjoy, and His said late Majesty did thereby for himself his Heirs and Successors make create constitute and appoint the said Edward Earl of Clarendon,

George Duke of Albemarle, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley Sir George Carteret, Sir John Colleton and Sir William Berkley their Heirs and Assigns the true and absolute Lords Proprietors of the said Province or Territory and of all other the Premises saving always the Faith Allegiance and Sovereign Dominion to His said late Majesty His Heirs and Successors for the same: To Have, Hold, possess and enjoy the said Province Territory Islets and all and singular other the Premises to them the said Edward, Earl of Clarendon George Duke of Albemarle William Earl of Craven John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkley their Heirs and Assignes for ever To be Holden of His said Majesty his Heirs and Successors as of the Manor of East Greenwich aforesaid in free and common Socage and not in Capite or by Knight's service Yielding and Paying to His said Majesty His Heirs and Successors for the same the fourth part of all Gold and Silver Ore which within the Limits aforesaid should happen to be found.

And His said late Majesty King Charles the second did by the said several Letters Patent or one of them grant to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret Sir John Colleton and Sir William Berkley their Heirs and Assignes full and absolute Power to make and publish Laws either appertaining to the publick state of the said Provinces or to the private Utility of particular Persons with the assent of the Freemen of the said Provinces or of their Delegates and for that Purpose to assemble them in such manner and form as to them the said Edward Earl of Clarendon George Duke of Albemarle William Earl of Craven John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkeley their Heirs and Assignes should seem best and the same Laws duly to execute on all the people within the said Provinces and Limits thereof by Imposition of Penalties Imprisonment or any other punishment and if needful by taking away Members or Life either by them the said Edward Earl of Clarendon George Duke of Albemarle William Earl of Craven, John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkley their Heirs and Assignes or by them or their Deputies Lieutenants Judges

Justices Magistrates or Officers whatsoever as well within the said Province as at Sea in such manner and form as unto the said Edward Earl of Clarendon George Duke of Albemarle William Earl of Craven John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkley and their Heirs shall seem most convenient ; Also to remit release pardon and abolish whether before Judgment or after, all Crimes and offences whatsoever against the said Laws and to do all and every other Thing and Things which unto the compleat establishment of Justice unto Courts Sessions and Forms of Judicature and Manner of proceedings therein do belong altho' in the said Letters Patents express mention is not made thereof and by Judges by him or them delegated to award Process hold Pleas and determine in all the said Courts and Places of Judicature, all Actions Suits and Causes whatsoever as well criminal as civil real mixed personal or of any other kind or nature whatsoever. And because such Assemblies of Freeholders could not be so conveniently called as there might be occasion to require the same His said Majesty did further grant to the said Edward Earl of Clarendon George Duke of Albemarle William Earl of Craven John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkley their Heirs and Assignes by themselves or their Majestrates full power to make and ordain fit ordinances within the said Provinces as well for keeping the Peace as for the better Government of the People.

And His said Majesty did further grant unto the said Edward Earl of Clarendon George Duke of Albemarle William Earl of Craven John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkley their Heirs and Assignes full Power to make and erect within the said Provinces and the Isles and Islets aforesaid such Sea-Ports Harbours Creeks and with such Jurisdictions Privileges and Franchises to them belonging as to them shall seem convenient and to have and enjoy the customs and Subsidies therein payable for Goods and Merchandizes there laded to be reasonably assessed by themselves with the consent of the Free People there.

And Further His said Majesty did grant to the said Edward Earl of Clarendon, George Duke of Albemarle William Earl of Craven John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkley their Heirs and

Assigns full power to confer upon the Inhabitants of the said Province such Marks of Favour and Titles of Honour as they should think fit so as the Titles be not the same as are enjoyed by or conferred upon any of the subjects of England. And also power to raise and build Forts Castles, Cities Boroughs Towns Villages and other Fortifications and furnish the same with all Ordnance Powder Shot Armour and all other Weapons Ammunition Habilaments of War both Defensive and Offensive as shall be thought fit and convenient for the safety and welfare of the said Province and Places or any Part thereof and to dismantle and demolish the same and appoint Governors Deputy Governors Magistrates Sheriffs and other Officers Civil and Military and to the said Cities Boroughs Towns Villages or any other Place or Places within the said Province or Territory to grant Letters or Charters of Incorporation with all requisite and usual Liberties Franchises and Privileges and to appoint therein Fairs and Markets and to make and erect Manors and Courts—Baron and Courts-Leet for the Conservation of the Peace and better Government of the said Provinces And also full power to levy muster and train all sorts of Men of what condition and wheresoever born within the said Provinces and to make War by Land and Sea and to all and every thing which belongs to the office of a Captain General of an Army and to exercise Martial Law in as ample manner as any Captain General of an Army by virtue of his office might or has accustomed to use the same.

And His said Majesty did further grant to the said Edward Earl of Clarendon George Duke of Albemarle William Earl of Craven John Lord Berkley Anthony Lord Ashley Sir George Carteret Sir John Colleton and Sir William Berkley their Heirs and Assigns full power from time to time for ever to assign alien grant or enfeof the Premises to such Persons as they should think fit To Hold in Fee simple or Fee Tail or for Term of Life or Lives or Years to be held of them and their Assignes by such Rents Services and Customs as shall seem fit to them and not of His said Majesty His Heirs and successors the Statute of *Quia Emptores Terrarum* or any other Statute Cause or Thing notwithstanding as in and by the said several recited Letters Patents. Relation being thereunto had, may appear.

And Whereas the respective parts Shares Interests and Estates

of the said Edward Earl of Clarendon George Duke of Albemarle William Earl of Craven, John Lord Berkley Anthony Lord Ashley Sir John Colleton and Sir William Berkley of and in the Provinces Territories Islets Hereditaments and Premises in and by the said several recited Letters Patent, granted and comprized did come unto and vest in Henry Duke of Beaufort William late Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson Elizabeth Moor, Sir John Colleton, Archibald Hutchinson, John Cotton and Joseph Blake or some or one of them and the Part Share Interest and Estate of the said Sir George Carteret of and in the same Premises did come unto and vest in the said John Lord Carteret.

And Whereas the said Henry now Duke of Beaufort William late Lord Craven James Bertie, Henry Bertie, Sir John Colleton and Archibald Hutchinson who was Trustee for the said John Cotton being six of the Lord Proprietors of the Provinces and Territories aforesaid did by their humble Petition to His Majesty in Council propose to surrender to His Majesty their several and respective Shares and Interests not only of the said Government Royalties and Franchises in and by the said Recited Letters Patents granted but also all the Right and Property they had in and to the Soil in the aforesaid Provinces or Territories under the said several recited Letters Patents or either of them and also to make an entire Surrender to His Majesty of their Right to all the Lands which they held under the Grants made by the said Lords Proprietors (except as therein is excepted) praying that in consideration of such surrender, his Majesty would be pleased to direct and cause to be paid to each of them the sum of 2500l. a piece without any Deduction and Samuel Wragg of London Merchant, did on the Behalf and by the direction of the said Joseph Blake propose to surrender and convey to His Majesty His Heirs and Successors all Estate, Right and Interest of the said Joseph Blake in and to the Premises upon payment of the like sum of 2500l. to the said Joseph Blake without any Deduction. And Whereas the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Henry Bertie, Sir John Colleton and Archibald Hutchison who is a Trustee for the said John Cotton laid before a Committee of His Majesty's most Hon: Privy Council an Estimate of all the Arrears of Quit Rents and other Rents and Sum and Sums of money then due and owing

to them and the said Joseph Blake and the said John Lord Carteret which Estimate amounted to the Sum of 9500*l.* and they the said Henry Lord Beaufort William Lord Craven James Bertie Henry Bertie Sir John Colleton and Archibald Hutchinson did likewise humbly propose and the said Samuel Wragg for and on the behalf of the said Joseph Blake did likewise propose that if His said Majesty would please to allow the sum of 5000*l.* for the said arrears (over and above the said several Sums of 2500*l.* to be paid to them respectively) they were willing to assign over to His Majesty their Right and Title to the said arrears and all other demands whatsoever which they had or could have upon the Farmers, Tenants or Inhabitants of the Provinces or Territories aforesaid or any of them and which said several Proposals His Majesty was pleased to accept and agree to.

And Whereas by an Act of Parliament made in the second year of His said present Majesty's Reign Entitled An Act for establishing an Agreement with seven of the Lords Proprietors of Carolina for the surrender of their Title and Interest in that Province to His Majesty reciting to the Effect herein before recited: It was enacted That all those seven undivided eighth parts (the Whole into eight equal parts or shares to be divided) and all other the part or share Parts or Shares, Interest and Estates of them the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson and Elizabeth Moor Sir John Colleton, Archibald Hutchison as Trustee for the said John Cotton and Joseph Blake and each of them of and in the aforesaid Provinces or territories called Carolinas and all and singular the Royalties Franchises Lands Tenements Hereditaments and premisses in and by the said several recited Letters Patent or either of them granted or mentioned or intended to be granted by His said late Majesty King Charles the Second to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton deceas'd and Sir William Berkley their Heirs and Assignes aforesaid with their and every of their Rights Members and Appurtenances And also such Powers Liberties and Authorities Jurisdictions Preeminences Licences and Privileges as they the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson and Elizabeth

Moore the present Sir John Colleton the said Archibald Hutchinson as Trustee for the said John Cotton and Joseph Blake every or any of them could or might have hold use exercise or enjoy by virtue of or under the said recited Letters Patents or either of them (except as therein excepted) and the Reversions Remainders Rents Issues and Profits of the same Parts or Shares Baronies Lands Tenements Hereditaments and Premises so as aforesaid proposed and agreed to be surrendered to his Majesty and of every part and parcel thereof should from and after the First Day of June in the year of our Lord 1729. be vested and settled and the same were thereby vested and settled in and upon the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton and their Heirs to the use of them their Heirs and Assigns freed and discharged of and from all Estates Uses Trusts Entails Reversions Remainders Limitations Charges and Incumbrances whatsoever Nevertheless upon Trust to and to the Intent that they the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton and the Survivors and Survivor of them and the Heirs of such Survivor upon payment by His Majesty His Heirs or Successors to the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton of the Sum of 17500.l. clear of all Deductions on or before the 29th Day of September 1729. should by Deed indented and to be enrolled in His Majesty's High Court of Chancery surrender convey and assure to His Majesty His Heirs and successors all and singular the said seven Eighths Parts or Shares (the Whole into eight equal parts to be divided) and all other the Parts and Shares Interests and Estates of and in the said Provinces or Territories and all and singular the Premises thereby vested in them and their Heirs aforesaid which said Sum of 17500.l. should be applied and disposed of in such manner as by the said Act is particularly directed.

And it was by the said Act further enacted that from and after the payment of the said Sum of 5000.l. to the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton the Survivor or Survivors of them or the Executors or Administrators of such Survivor and after the Execution of the Grant and Assignment of the said Parts and Shares of the said Arrears by the said Act directed to be made His Majesty might have receive and enjoy the said seven Eighth Parts or Shares (the whole into eight equal parts to be divided) and all and every other Parts and Shares of the said

Arrears of Quit-Rents and other Rents and Sums of Money thereby vested in the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton and should and might have use and pursue such and the like Remedies for Recovery thereof as the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Henry Bertie, Mary Dawson, Doddington Greville, Sir John Colleton, Archibald Hutchinson John Cotton and Joseph Blake any or either of them might have had used or pursued if the said Act had not been made And in and by the said Act there is contained a reservation to the said John Lord Carteret His Heirs Executors and Administrators or Assignes of all such Estate Right Title Interest Property Claim and Demand whatsoever in unto or out of one Eighth part or share of the said Provinces or Territories with all and singular the Rights Members and Appurtenances thereof and of in and to one Eighth part or share of all Arrears of Quit-Rents and other Rents Sum and Sums of Money Debts Duties Accounts Reckonings Claims and Demands whatsoever now due and owing to the present Lords Proprietors of the said Provinces and Territories and all such other Rights Privileges and Powers whatsoever as the said John Lord Carteret his Heirs Executors or Administrators then had or might have had or been entitled unto in case the said Act and the conveyances thereby directed to be made to His Majesty His Heirs or Successors or either of them had not been or should not be made as in and by the said Act of Parliament herein before recited, Relation being thereunto had, may amongst other things more fully appear.

And Whereas by Indenture Tripartite bearing date the 25th day of July in the year of our Lord 1729. and made or mentioned to be made between our said Sovereign Lord the King of the first part and the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton by the Names and Additions of Edward Bertie of Gray's-Inn in the County of Middlesex Esq^{re} Samuel Horsey of Mortlake in the County of Surry Esq^{re}, Henry Smith of Caversham in the County of Oxon Esq^{re}, Alexius Clayton of the Middle-Temple London Esq^{re} of the second Part and the most noble Henry Duke of Beaufort, the Honourable James Bertie of the Parish of S^t John the Evangelist in the Liberty of Westminster in the County of Middlesex Esq^{re} the Honourable Doddington Greville of Bulford in the County of Wilts Esq^{re}, the said Doddington Greville and

James Bertie being the Devisees named in the last Will of the most noble Henry Duke of Beaufort deceas'd in Trust for the said Henry now Duke of Beaufort and for the Right Honourable Charles Noel Somerset Esq^{re} commonly called Lord Charles Noel Somerset, his brother an Infant the Right Honourable William Lord Craven, Joseph Blake of the Province of South Carolina in America Esq^{re}, Archibald Hutchinson of the Middle-Temple London Esq^{re}, John Cotton of the Middle-Temple London Esq^{re}, Sir John Colleton of Exmouth in the County of Devon Bart: the Honourable Henry Bertie of Dorton in the County of Bucks Esq^{re} Mary Dawson of the Parish of St Andrew's Holbourn in the County of Middlesex Widow and Elizabeth Moor of London Widow of the third part reciting as therein is recited. It is witnessed That they the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton for the consideration therein pursuant to the Directions in the said recited Act of Parliament and the Trust thereby in them reposed did bargain sell surrender and the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton, Party thereto, Archibald Hutchinson John Cotton and Joseph Blake did ratify and confirm unto His said Majesty His Heirs and Successors the said seven undivided Eighth Parts (the whole into eight equal parts to be divided) and all other the Parts or shares Interests and Estates in and by the said recited Act of Parliament vested in them the said Edward Bertie Samuel Horsey Henry Smith and Alexius Clayton (except as in the said Act is excepted) of and in the aforesaid Provinces or Territories called Carolina and of and in all and singular the Royalties, Franchises Lands Tenements Hereditaments and Premises in and by the said several recited Letters Patent or either of them granted, or mentioned to be granted with their and every of their Rights Members and Appurtenances and all the Estate Right Title Interest Trust Property Claim and Demand whatsoever of them the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton and of the said Duke of Beaufort, James Bertie, Doddington Greville, William Lord Craven Henry Bertie Mary Dawson, Elizabeth Moor, Sir John Colleton Party thereto, Archibald Hutchinson, John Cotton and Joseph Blake every or any of them of in and to the same To Hold the said seven undivided Eighth Parts (the whole into Eight equal

parts to be divided) and all other the Premises thereby bargained sold and surrendered with their and every of their Appurtenances (except as therein before excepted) unto the King's most Excellent Majesty His Heirs and Successors And it is by the said Indenture further witnessed That for the further consideration therein mentioned they the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton in Pursuance of the Trust in them reposed in and by the said recited Act of Parliament did grant bargain sell assign transfer and set over and the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton Party thereto, Archibald Hutchinson, John Cotton and Joseph Blake did ratify and confirm unto His said Majesty His Heirs and Successors the said seven Eighth Parts (the whole into eight equal Parts to be divided) of all and every the arrears of Quit-Rents Sum and Sums of Money, Debts Duties and demands whatsoever which at the time of making the said Act of Parliament were due and owing to the said Henry Duke of Beaufort or to the said James Bertie and Doddington Greville and to the said John Lord Carteret, William Lord Craven, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton party thereto, Archibald Hutchinson, John Cotton and Joseph Blake and all the Arrears Shares and Sums of Money and Premises in and by the said recited Act vested or intended to be vested in them the said Archibald Bertie, Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton in Trust for the purposes aforesaid and all the Right Title Interest Trust Claim and Demand whatsoever of them the said Edward Bertie, Samuel Horsey Henry Smith and Alexius Clayton and of them the said Henry Duke of Beaufort, James Bertie, Doddington Greville, William Lord Craven, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Cotton party thereto Archibald Hutchinson, John Cotton and Joseph Blake every or any of them of in and to the same To Hold Receive and enjoy the said Arrèars Sums of Money and Premises therein last before granted bargained sold and assigned unto His said Majesty his Heirs and Successors to and for his and their own Use and Benefit as in and by the said recited Indentures, Relation being thereunto had, may more fully appear.

And Whereas the said John Lord Carteret by his humble petition to His Majesty in Council reciting the said several Letters

Patents and Act of Parliament herein before recited and that he is still entitled to one full undivided Eighth Part of the said Provinces and of all the Premises granted by the said several Letters Patent and also of the arrears of Quit Rents and other Duties Reckonings Claims and Demands hath humbly prayed His Majesty that his said Eighth Part of the soil of the said Provinces and Territories might be set out and allotted to him in such part of the said Provinces and Territories as should be agreed on between such Persons as His Majesty shall be pleased to appoint for His Majesty and such persons as the said John Lord Carteret should name on his part To Have Hold and enjoy the same for ever hereafter in severalty to the said John Lord Carteret his Heirs and Assignes together with all and every the same Royalties Powers Liberties Franchises and Privileges (the Government thereof and of the said Provinces of Carolina only excepted) as far as concerns such Eighth Part to be so allotted to the said John Lord Carteret, as he is intitled unto under the said Letters Patent and Act of Parliament in case such Division or Allotment was not or should not be made and under the like Quit-Rents proportionably as is mentioned in the said Letters Patent according to the Proportion or Eighth Part thereof and thereupon the said John Lord Carteret humbly offered and proposed to surrender to His Majesty his Heirs and Successors his Share and Interest of and in the Government of the said Provinces or Territories and to convey release and confirm to his Majesty his Heirs and Successors the other seven Parts of the said Provinces.

And Whereas his present Majesty was pleased to refer to said Petition to the Right Honourable the Privy Council for them to consider thereof and report the same with their opinions thereon to his Majesty in Council and which said Petition the said Lords of the Committee of his Majesty's most Honourable Privy Council did refer to the Right Honourable the Lord Commissioners for Trade and Plantations for them to examine the same and consider thereof and to report the same with their opinions thereupon to their Lordships.

And Whereas the Lords Commissioners for Trade and Plantations having examined the said Petition and considered thereof did by their Report to the said Lords of the Committee of His Majesty's most Honourable Privy Council offer as their opinion That it would be for his Majesty's service that the said Lord

Carteret's Property should be seperated from that of His Majesty wherein the said Lord Carteret should enjoy whatsoever he was entitled to by the Charters of Carolina and the aforesaid Act of Parliament and for the better preventing any difficulties that might attend the setting out an Eighth Part of the Soil of the said Province the said Lord Commissioner's conceived the Method proposed by the said Lord Carteret would be the most effectual, which said Report the said Lords of the Committee of his Majesty's most Honourable Privy Council having taken into their Consideration did agree in opinion with the said Lord Commissioner's for Trade and Plantations.

And Whereas the right honourable the Lords of the Committee of his Majesty's most Honourable Privy Council did on the 24th of August 1742. make their report thereupon to His Majesty reciting as herein last before is recited and that the said Lord Carteret's Property should be seperated from that of his Majesty and to that end the said Committee humbly proposed that the respective Governors of South and North Carolina or either of them as His Majesty should be pleased to direct be ordered to nominate and appoint proper persons as Commissioners on his Majesty's Behalf not exceeding Five who in conjunction with a like number of Persons to be appointed by the said Lord Carteret as Commissioners on his behalf should be empowered to set out and allott to the said Lord Carteret one full Eighth Part of the said Provinces of Carolina in such part or parts of the said Provinces and Territories as should be agreed upon by the Commissioners so to be appointed as aforesaid and that they should be required to make a Return of their Proceedings therein to his Majesty in Council within eighteen months after the date of his Majesty's Order to be made upon the said Report and also to lay before his Majesty a plan containing a full and exact description of the said Lands together with the respective Boundaries thereof in order to his Majesty's signifying his Royal Pleasure (in case his Majesty should approve thereof) for conveying the same to the said Lord Carteret in such manner as should be advised by his Majesty's Council learned in the Law Provided the said Lord Carteret should at the same time make a surrender to his Majesty of all his Pretentions to the Government of the said Provinces of Carolina and should convey release and confirm to his Majesty his Heirs and Successors the other seven

parts of the said Provinces And for the better Guidance of the Commissioners so to be appointed on his Majesty's behalf in the discharge of their Duty therein, the said Committee conceived that it might be advisable for his Majesty by his Order in Council to require the said Commissioners to follow and observe such directions and instructions as might be found necessary to be given from time to time either by His Majesty or by those who act under his Majesty's Royal Authority and which said Report his said Majesty in Council was pleased to approve of.

And Whereas his said Majesty by his Order in Council bearing date the 15th Day of September in the year of our Lord 1742. reciting as herein last above is recited and that his Majesty in Council was that day pleased to take the said Petition into his Royal Consideration together with the Opinion of a Committee of his Privy Council and of the Lords Commissioners for Trade and Plantations thereupon and was thereby pleased to order that the respective Governors of the Provinces of South and North Carolina or either of them as his Majesty should thereafter be pleased to direct should nominate and appoint proper persons to be Commissioners on his Majesty's Behalf not exceeding five who in conjunction with a like number of persons to be appointed by the said Lord Carteret as Commissioners on his behalf was thereby empowered to set out and allott to the said Lord Carteret one full Eighth part of the said Provinces of Carolina in such part or parts of the said Provinces and Territories as should be agreed upon by the Commissioners so to be appointed as aforesaid And that the said Commissioners should make a Return of their Proceedings herein to his Majesty in Council within eighteen months from the date of the said Order and that they should at the said time transmit to his Majesty a plan containing a full and exact description of the said Lands together with the respective boundaries thereof in order to his Majesty's signifying his Royal Pleasure (in case his Majesty should approve thereof) for conveying the same to the said Lord Carteret in such manner as shall be advised by his Majesty's Council learned in the Law, provided that the said Lord Carteret should at the same time make a surrender to his Majesty of all his Pretentions to the Government of the said Provinces of Carolina and should convey release and confirm to his Majesty his Heirs and Successors the other seven parts of the said Provinces as by the said Petition and

Order Relation thereunto likewise being had, may more fully appear.

And Whereas Commissioners were accordingly appointed on Behalf of His Majesty and of the said John Lord Carteret to set out and allott to the said John Lord Carteret one full eighth part of the said Provinces of Carolina who by their humble Report to his Majesty in Council bearing date the 6th day of December in the year of our Lord 1743. did certify that in pursuance of his Majesty's said Order in Council dated 15th day of September 1742. and of His Majesty's Royal Instructions thereupon given the 25th day of April 1743. they did immediately proceed to set out and allott to the said Lord Carteret one full Eighth part of the Provinces of Carolina in one entire separate District in the Province of North Carolina next adjoining and contiguous to the Province of Virginia which Eighth part is bounded to the North by the Line that divides Carolina from Virginia to the East by the great Western Ocean commonly so called and as far Southerly as a Cedar Stake set upon the Seaside to the Latitude of 35 Degrees and 34. Minutes of North Latitude being six Miles and a half to the Southward of Chickimacmack Inlet from that Stake by a West Line which passed 25. feet to the Southward of the house wherein Thomas Wallis liveth and so West as far as the Bounds of the Charter granted to the Lords Proprietors of Carolina by his Majesty King Charles the Second which West Line went 1660 Poles to the North of the South End of Bath Town and the said Commissioners did pursuant to the said Order in Council transmit to his Majesty a plan containing a full and exact description of the said one Eighth part of the said Provinces or Territories so set out and allotted to the said John Lord Carteret annexed to their said Report and all which Boundaries are mark'd out and ascertained by the said Plan a true and exact Copy whereof is stamped on the fourth Skin of these Presents which said Return of the said Commissioners his Majesty was pleased by his Order in Council bearing date the twenty first of March last to refer to the said Lords of the Committee of his most Honourable Privy Council for them to consider thereof and report their opinion thereupon to his Majesty in Council.

And Whereas the said Right Honourable the Lords of the Committee of his Majesty's most Honourable Privy Council for Plantation affairs did upon consideration thereof by their Report to his

Majesty in Council bearing date the last day of May last reciting such Orders, Reports and Proceedings upon the said Petition of the said Lord Carteret for his one Eighth Part of both the Provinces of Carolina and that thereupon it might be advisable for his Majesty to order his Attorney and Solicitor General to prepare the necessary Instruments or Deeds conformable to what is contained in the aforementioned Reports of the 15th of September 1742. for conveying releasing and confirming the said Lands to the said Lord Carteret and his Heirs and likewise for the said Lord Carteret's surrendering up to his Majesty all his Pretentions to the Government of the said Provinces of Carolina and for conveying releasing and confirming to his Majesty his Heirs and Successors the other seven parts of the said Province.

And Whereas on the said 9th of May last his Majesty in Council took the said Report last above mentioned into consideration and was pleased with the Advice of his Privy Council to approve thereof and also of the Return and Plan thereunto annexed and of the allotment of Land thereby made to the said Lord Carteret for his one Eighth Part of the Provinces of Carolina and his Majesty did thereby order that M^r Attorney and M^r Solicitor General do prepare such Instruments or Deeds as are proposed by the said Report as by the said Orders and Reports relation being thereunto respectively had may more fully appear.

Now This Indenture Witnesseth That for and in consideration of his Majesty's most gracious approbation of the said separating and setting out of the said one Eighth part of the said Provinces and Territories to the said Lord John Carteret as the same is separated set out and allotted to the said John Lord Carteret by the said Commissioners as aforesaid and in consideration of his Majesty's granting conveying and assuring unto the said John Lord Carteret the said one Eighth part of the said Provinces so divided set out and allotted to the said John Lord Carteret as aforesaid to be held in severalty by him the said John Lord Carteret his Heirs and Assignes for ever.

And also for and in consideration of his said present Majesty's granting and assigning unto the said John Lord Carteret all and every the arrears of Quit-Rents and other Sum and Sums of Money Debts Duties Account Reckonings Claims and Demands whatsoever which are now due and owing to his said present Majesty and to

the said John Lord Carteret from the Farmers, Tenants and Inhabitants of the said one Eighth Part of the said Provinces or Territories so divided set out and allotted as aforesaid for the respective Lands and Tenements which are situate within and part of the said one Eighth Part of the said Provinces or Territories so divided set out and allotted as aforesaid He the said John Lord Carteret Hath granted bargain'd sold surrender'd released conveyed confirm'd and by these Presents Doth grant bargain sell surrender release convey and confirm unto his said Majesty his Heirs and Successors all the Estate Right Title and Interest of him the said John Lord Carteret of in and to the said seven Eighth Parts so separated and divided from the said one Eighth Part thereof and in the aforesaid Provinces or Territories called Carolina and of and in all and singular the Royalties Franchises Lands Tenements Hereditaments and Premises in and by the said several recited Letters Patent or either of them granted or mentioned to be granted by his said late Majesty King Charles the Second to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton deceas'd and Sir William Berkley, his Heirs and Assignes as aforesaid with their and every of their Rights Members and Appurtenances And also all Powers, Liberties, Authorities, Jurisdictions, Preheminences, Licences and Privileges with their and every of their Appurtenances and of in and to the Reversion and Reversions, Remainder and Remainders, Yearly and other Rents, Issues and Profits of the same seven Eighth Parts and Shares, of, into, and out of the Premises and every part or parcel thereof; and also all the Estate, Right, Title, Interest, Property, Claim and Demand of him the said John Lord Carteret, in and to the same every and any part and parcel thereof, To Have and To Hold all the Estate, Right, Title and Interest of him the said John Lord Carteret, of, in and to the said seven Eighth parts; and all other the Part, Shares, Royalties, Franchises, Lands, Tenements, Hereditaments and Premises, hereby granted, bargain'd, sold, released, and surrender with their and every of their Appurtenances, unto the King's Most Excellent Majesty his Heirs and Successors, To the Use and Behoof of his said Majesty his Heirs and Successors for ever. And the said John, Lord Carteret for the considerations aforesaid, hath granted, surrender'd, released and confirmed,

and doth by these presents grant, surrender, release and confirm unto his said Majesty his Heirs and Successors, All his the said John Lord Carteret's Estate, Right, Title, Interest, Property, Claim and Demand of, in and to all and every or any the said powers of making Laws, calling or holding of Assemblies, erecting Courts of Justice, appointing Judges or Justices, pardoning Criminals of any nature, creating or granting Titles of Honour, making ports or Havens, taking Customs or Duties on goods laden or unladen, making and erecting Counties, Forts, Castles, Cities, or furnishing them with Habiliments of War, incorporating Cities, Boroughs, Towns, Villages, or any other place or places; raising, employing or directing the Militia, making War, or executing Martial War, exercising any of the Royal Rights of a County palatine and of doing, using or exercising any other the Prerogatives, Preheminences, Rights, Jurisdictions and Authorities of, belonging, or relating to the Administration of the government of the said provinces or either of them, as well in the said one Eighth so separated as aforesaid as the said other seven Eighths, To have And to Hold all his the said John Lord Carteret's Estate, Right, Title, Interest, Claim and Demand of, in, and to all and singular the said Powers, Authorities, Jurisdictions, Prerogatives, Preheminences and government and all other the said premisses last mentioned to the King's Most Excellent Majesty, his Heirs and Successors.

And This Indenture Further Witnesseth, That as well for the considerations aforesaid as for divers other good and valuable considerations to the said John Lord Carteret, he the said John Lord Carteret Hath granted, Bargained and sold, assigned and transferred and Set over and by these Presents Doth grant, Bargain and Sell, Assign, Transfer and set over his said Majesty, his Heirs and Successors, all the Right, Title, and Interest of him the said John Lord Cartet, of, in, and to all and every the Arrears of Quit Rents and other Sum and Sums of Money, which are at the Time of the Date of these Presents due and in Arrear to his Majesty, for all and every the Lands, Tenements, and Hereditaments included in the said seven Eighth Parts so divided from the said one Eighth allotted to the said John Lord Carteret, To Have, Hold, receive and Enjoy the same Arrears, Sums of Money, and Premisses herein last before granted, bargain'd and sold, and assigned unto his Majesty, his Heirs and Successors to and for his and their own Use

and Benefit, And the said John Lord Carteret doth hereby for himself, his Heirs, Executors, and Administrators, covenant, promise, grant and agree to and with our said Sovereign Lord the King, his Heirs and Successors, in Manner and form following; (that is to say) That our said Sovereign Lord the King, his Heirs and Successors shall and may forever hereafter peaceably and quietly have hold and Enjoy all the Estate, Right, Title and Interest of him the said John Lord Carteret, of, in, and to the said seven Eighth Parts of, and in the said Provinces or Territories, and of, and in all and singular the said Royalties, Powers, Franchises, Lands, Tenements, Hereditaments and Premises in the said recited Act, mention'd to be then vested in the said Henry Duke of Beaufort, James Bertie, Doddington Greville, William Lord Craven, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton, Archibald Hutchinson, John Cotton, Joseph Blake, or some or one of them with the appurtenances without any lawful Let, Suit, Trouble, Denial, Disturbance or Interruption of, or by the said John Lord Carteret or of or by any other Person or Persons lawfully claiming or to claim any Estate, Right, Title, Trust or Interest, either in Law or Equity of, into or out of the same Premises, or any part thereof from, by or under or in Trust for the said John Lord Carteret, George Lord Carteret, deceas'd, Father of the said John Lord Carteret Party to these Presents, Sir Philip Carteret or the said Sir George Carteret, deceas'd, or any of them respectively and that free and clear of, from and against all and singular other Estates, Tithes, Troubles, Charges and Incumbrances whatsoever have made, done, committed, occasion'd or suffer'd by the said John Lord Carteret, George Lord Carteret deceas'd, Sir Philip Carteret deceas'd, or the said Sir George Carteret deceas'd, respectively or their respective Heirs or Assigns or by any other Person or Persons lawfully claiming or to claim, by, under, or in Trust for them respectively, or by, or with their or any of their Means, Consent, Act, Privy or Procurement except all such grants, Deeds, Instruments, and Conveyances under the common Seal of the said Lords Proprietors, Either in England or in the said Provinces made or executed at any Time before the First of January 1727, for the granting or conveying any Tracts of Lands, Tenements or Hereditaments within the said Provinces or either of them. And Moreover, That the said John Lord Carteret, and his Heirs, and all and every

other Person and Persons having or lawfully claiming, or which shall or may have or lawfully claim any Estate, Right, Title or Interest of him the said John Lord Carteret (except as therein excepted) of, in, or to the said seven Eighth Parts of and in the said Provinces or Territories hereby or mentioned or intended to be hereby granted and surrender'd or any Part thereof, from, by, or under, or, in Trust for him or them shall and will from Time to Time or at any Time or Times hereafter, during the Space of seven years next ensuing the Date hereof upon due Notice and at the Costs and Charges in the Law of our said Sovereign Lord the King, His heirs or Successors, make, do, acknowledge, levy, suffer and execute and cause or procure to be made, done, acknowledged, levied, suffer'd or executed all and every such further and other lawful and reasonable Acts, Deeds and Things, Devises, Conveyances and Assurances in the Law whatsoever for the further, better, more perfect and absolute granting, conveying, surrendering and assuring the said seven Eighth Parts of and in the Provinces or Territories, hereby or mentioned or intended to be granted and surrendered with their Rights, Members and Appurtenances unto our said Sovereign Lord the King, His Heirs and Successors, to his and their Use as by our Sovereign Lord the King, his Heirs or Successors or his or their Council learned in the Law, shall be reasonably advised or devised, or required so as such further Assurances contain in them no further, or other Warranty or Covenants against the Person or Persons, his or their Heirs who shall make the same and so as the Party or Parties who shall be requested to make such further Assurance or Assurances, be not compelled or compellable for making or doing thereof to go or travel further than the Cities of London and Westminster. And also that the said John Lord Carteret, his Heirs, Executors and Administrators, shall and will at any Time or times hereafter, within seven years from the Date hereof upon due Notice and at the Costs and Charges of our said Sovereign Lord the King, his Heirs or Successors do any further Act or Thing for the better enabling our said Sovereign Lord the King, His Heirs, Successors and Assigns to get in, recover and receive the said Arrears of Rent, Sum and Sums of Money, as by him or them or his or their Council, shall be reasonably advised or required, so as the said John Lord Carteret, his Heirs, Executors and Administrators be saved harmless and indemnify'd of, and for

all Costs, Charges, Damages, and Expences, for or in respect thereof.

In Witness the said John Lord Carteret hath hereunto set his Hand and Seal the Day and year first above written.

(P. R. O. PLANTATIONS GENERAL. B. T. VOL: 56. P. 130.)

King's Warrant appointing Edward Moseley Esq^{re} Chief Baron of North Carolina.

31st October 1744.

GEORGE R.

Trusty and welbeloved we greet you well. Whereas we have taken into our Royal consideration the integrity and ability of our trusty and welbeloved Edward Moseley Esq^{re} we have thought fit hereby to authorize and require you forthwith to cause Letters Patents to be passed under our Seal of our Province of North Carolina for constituting and appointing him the said Edward Moseley our Chief Baron of our Court of Exchequer in our said Province in the room of W^m Smith Esq^r deceased to have hold and enjoy the said office during our Pleasure and his Residence within our said Province together with all and singular the Rights Profits Privileges and Emoluments unto the said place belonging or appertaining. And for so doing this shall be your Warrant. And so we bid you farewell Given at our Court at S^t James's the 31st Day of October 1744. In the eighteenth year of our Reign.

By his Majesty's command.

HOLLES NEWCASTLE.

To our Trusty and welbeloved Gab: Johnston Esq^{re} our Cap: Gen^l and Gov: in Chief of our Province of North Carolina in America and in his Absence to the Com^d in Chief or to the President of our Counc^l of our said Province for the time being.

1745.

[B. P. R. O. SOUTH CAROLINA B. T. VOL. 14. H. 75.]

Henry MacCulloh, commissioner to Thomas Hill, secretary to the
Lords Commissioners of Trade etc

16th Jan'y 1744-5.

SIR,

I intended long before this to have Communicated my thoughts to you in relation to the Act that was pass'd in 1743 in *South Carolina*, entitled *an Act to remedy some defects in His Majesty's Rent roll* etc. But I have not been able to procure a Copy of said Act 'till very lately. The reasons assigned for the passing of this Act are very specious, but when the Act is duly considered I apprehend it will appear that instead of improving the Revenue of the Quit rent it will in many respects be of great dis-service and open a door for new frauds to be practised on the Crown. The Planters in South Carolina have been for a considerable time pass'd very desirous of finding out a Method to dispose of such part of their lands as are of bad quality and after such sale to be discharged from the payment of Quit rents. Before my arrival in that Province they had an Opinion that by disposing of such Lands to Transient persons they would thereby be discharged from the Quit rents, But they have been lately better informed and want now to ease themselves by the sanction of Law. When the above mentioned law was brought into the House of Assembly the 6th Paragraph after the recital of His Majesty's 43^d instruction run thus, viz; that there was not any effectual or proper conditions inserted in such grants to oblige the grantee to cultivate and improve the same. Contrary to His Majesty's most gracious Intentions and design in giving encouragement for increasing the settlement and strength of this Part of His Dominions and to the great disappointment and discouragement of such Poor Protestants and others who were willing to transport themselves and become inhabitants of this Province, And the Commons House of Assembly further proposed that all those persons who had procured grants of the Township Lands contrary to the intention of His Majesty's Instructions should be obliged under the penalty of a considerable fine, to Set-

tle and cultivate those lands at their own expence. But on the third reading the Council prevailed with the Assembly to assent to the Bill as it is now worded in the 6th, 7th, 8th, and 9th paragraphs by which from the loose manner of wording the Bill, they have vested a power in the gov^r and Council to discharge all such as are inclinable to deliver up the Township grants from the Arrear of Quit rent and as several of the Members of the Council and their friends are the principal parties-concerned in the Township lands they may have it in their power to continue the grants as long as they please in their possession and if they find the settlement does not take place so as to improve the value of their lands, they may surrender their grants at discretion. The abuses that have been heretofore committed in the Township Lands has been the ruin of the Province, And those concerned in them ought to meet with the most exemplary punishment. And I beg leave further to observe that the little regard that is paid to His Majesty's Instructions in most of His Majesty's Colony's on the continent of America renders them of little or no service to the Crown or to the Publick, And it is a reflexion of a meloncholy nature that all those wholesome guards and Provisions which the Crown has wisely Constituted are so evaded that the Governors and Councils may often commit acts of the greatest cruelty and oppression with impunity

I am, Sir

Your most obedient
most humble servant

HENRY MACCULLOH

Cape Fear
16th Jan^{ry} 1744.

Rev^d Sept 2nd }
Read Sept 19th } 1745.

F. 75.

[B. P. R. O. SOUTH CAROLINA B. T. VOL. 14. H. 76.]

Henry MacCulloh to Thomas Hill Esq^r

16th Feb^{ry} 1744-5

SIR,

I have inclosed you a representation to the Right Hon^{ble} the Lords Commissioners for Trade and Plantation, which I pray

favour you will lay before their Lordships. It is a great misfortune to me that I have not hitherto met with the least support from the Right Honorable the Lords of the Treasury and that the Right Honorable the Lords Commissioners for Trade and Plantation do not think proper to represent the several matters complain'd of to His Majesty. The nature and Duty of my office is such that it must naturally create me many enemies and the consequences has been such that when they found I was not the least supported they let loose their resentments upon me, And have not only insulted me in the grossest manner but have deprived me of all the means I had of supporting myself.

I have been lately informed that Gov^r Johnston and Gov^r Glenn and several other gentlemen in the Provinces of North and South Carolina have industriously misrepresented my conduct. The nature of my Office is such that I can do no Act in relation to the same but what must be in writing, Therefore if those gentm have any thing to charge me with, it is their power to send home proper proofs under the Seal of the Provinces, And an Accusation without their taking this step, In my humble opinion implys fraud. I have acted with the greatest openness with the Gov^{rs} in every matter I have complain'd of. Before I transmitted my representations from South Carolina I laid them before the Gov^r and Council, That if the facts charged had not been true they might have taken an opportunity of disproving them, I have acted in like manner with Governor Johnston, but did not think it safe to lay the representation sent to him before the Council as there is a law in this Province that subjects any person to the Pillory who will openly censure the conduct of the Gov^r Council and Assembly. The security of His Majesty's subjects in America, depends wholly on a just Observation of His Majesty's Instructions, Therefore if no notice is taken of so high a contempt of His Majesty's Commands. It is humbly apprehended that the treatment I have met with may be an inlet to many encroachments

I am, Sir

Your most obedient

most humble servant

HENRY MACCULLOH

Cape Fear, 16th Feb^r 1744.

[B. P. R. O. SOUTH CAROLINA B. T. VOL. 14. H. 76.]

To the Right Honorable the Lords Commissioners For Trade and Plantation The humble representation of Henry MacCulloh sheweth,

That your Lordships memorialist humbly conceives it to be his Duty to submit to your Lordships consideration the several obstructions he has met with in regulating the Revenue of His Majesty's Quitrents. In the Province of North Carolina etc. And to explain himself on this head Humbly begs leave to lay before your Lordships, A Brief State of Gov^r Johnston's proceedings in relation to the methods that have been observed by him, in the issuing of Warrants and grants etc.

His Majesty by His 40th and 41st Instructions to the Gov^r was graciously pleased to prescribe the Rule and Method to be observed in the issuing of Warrants and grants for lands and limits the quantity to be granted, to 50 Acres to each person in the grantee's family, which was to be done by and with the advice and consent of His Majesty's Council in this Province, But the Gov^r finding that this restraint would be inconvenient to him and lessen the fees he exacted on the issuing of Warrants, took quite a different method, And without any regard had to His Majesty's Instructions, issued Warrants at pleasure, without obliging the parties to prove their rights and for the most part exacted fees from the Warrantee for his having given them Lands without rights, which was look'd upon by the Warrantee, as a kind of purchase and from that reason many of them have rested under their Warrants, for eight or nine years past, without taking out grants for their Lands.

When Gov^r Johnston received His Majesty's instruction in 1740 (by which he was laid under a greater restraint in the manner of issuing of Warrants and grants) he thought proper to direct that all persons for the future, claiming Lands under His Majesty's Instructions should prove the number of persons in their family and that such proofs should be laid before the Council, but in Order to enlarge his fees and to evade the instructions he had received from the Crown, he did not oblige the petitioners to declare whether they had not formerly received Lands under the Crown by Virtue

of the very rights they then claimed under nor were they obliged to give any proof of their having settled, cultivated or paid Quit-rents for the Lands that were formerly granted to them, and in many instances the Gov^r issued Warrants without the petitioners having proved their rights. Upon which I took leave to remonstrate to the Gov^r that if His Majesty's Instructions were not observed in the first instance that it could not be expected that the Officers or Tennants of the Crown would pay any regard to such directions as might be given to them in relation to the Revenue of the Quitrents, That the Inhabitants of this Province were very desirous to take up more Lands and that the only method to bring them to their duty and to recover the Records which from the former method of issuing of grants were very defective was to prevent all persons from having more Lands, untill they could prove by the Rec^d Gen^{ls} receipts they had paid Quitrents for what they already held. If this method had been taken when I first arrived in this Province and that the Officer of the Crown had paid the least regard to the directions given them in pursuance of my instructions, it is more than probable that all disputes in relation to the Revenue would have been happily settled, But as the Gov^r and the other Officers of the Crown have acted in open contempt of His Majesty's Instructions; I have had the misfortune to meet with the greatest insults.

The security of His Majesty's subjects in America in relation to their Rights and properties, and the security of His Majesty's trading subjects from Great Briton to America depends wholly upon a just deservation of His Majesty's Instructions. That the Gov^r has not acted agreeable to His Majesty's Instructions will I humbly conceive appear evident from the several Laws he has passed of a most extraordinary nature, without his first having incerted a suspending clause untill His Majesty's pleasure was known thereupon, namely the late Quitrent Law, which I humbly apprehend broke in upon the rights of the subject and limited the prerogative of the Crown to such a degree, that let the conduct of the Gov^r and Council be of ever so extraordinary nature, the subject could have no appeal to the Crown therefrom, And after the Gov^r had notice of the repeal of the said Law the 19th of March 1740-1, the 4th of April following he passed an Act entitled *An Act to inlarge the time of enrolling of Lands in the Auditor's*

Office, and proving the quiet possession of Lands, for twenty years pass'd and upwards, This Act differs greatly from the title given to it and was passed only with a view to ascertain all grants that were entered in the Auditor's Office, in pursuance of the late Quit-rent Law that was then repealed.

In 1738 the Gov^r passed an Act by which all the Taxes arising by former Acts for sinking the Bills of Currency were applied to the use of himself the Council and Assembly, so that when the Bills expire the 25th of March next there is not one farthing left for the sinking of them. By which the trading part of Great Briton to this Province may be greatly injured, There is also an Act passed in 1740 (which is usually termed the Aid Act) by which all persons that are sued in this Province, have it in their power upon executions being taken out against them to pay the sum due in rated commodities, such as Rice, Beef, Pork, Tallow etc which makes it better for the Creditor to receive any composition the Debtor may think proper to offer him then to sue for the same, There are many other Laws of like nature in this Province which would be to tedious to mention.

Your Lordships Memorialist prays leave further to represent that Eleazer Allen Esq^r Rec^r Gen^l of North Carolina has not 'till very lately deliver'd to the Deputy Auditor, any Accompts of the Receipt of His Majesty's Quitrents.

That the Rec^r has omitted to give His Majesty Credit for the full amount of the Tobacco's, Beeswax etc received in Albemarle County in 1739 and pretends at present that there was a loss of near Four Hundred Pounds Sterling on the sale of the said commodities altho' at the same time he made a private sale of said goods and refused to deliver in an Accompt in what manner the loss arose That the Rec^r has taken upon him to discharge His Majesty's Tennants on payment of Less Quitrents than what they are liable to by their grants.

That the accompts lately exhibited are all together defective, the Rec^r not having deliver'd to the Deputy Auditor a specifick accompt of the receipt of His Majesty's Quitrents nor any Vouchers for the sums charged to the Debit of His Majesty's Accompt Current, and that it appears clearly from the accompt that he has charged several sums to the Auditor which have not been paid by him That the Deputy Auditor applied to the Rec^r on this head

and asked him, how he could give the testimony of his Oath before the Gov^r that the accompts exhibited was a true charge and discharge of His Majesty's Quitrents, upon which the Rec^r told the Deputy Auditor that he mentioned it to the Gov^r that he had not paid part of the money charged to the Auditor General's Acct. The accompts are certified by the Gov^r in the usual form. If M^r Allen has sworn to the accompts in the manner they are certified, I apprehend he has sworn to an untruth, but if he did not swear to his Accompts in the manner the Gov^r has certified them, it is humbly submitted whether such a conduct is not very sensurable. That George Saxby Esq^{re} Rec^r Gen^l of His Majesty's Quitrents in South Carolina is fallen into a method of taking interest from such Planters, as are in large arrear of Quitrents And in other instances (to my knowledge) he takes advantage of the necessity of the Officers of the Crown and exacts considerable sums from them before he will agree to the payment of their salarys.

That M^r Saxby has made several charges to the Debit of His Majesty's Accompt Current which is not allowed of on the Establishment. That Your Lordship's Memorialist has often applied to M^r Saxby to have his Accompts laid before him and that he would make return of such Planters as are in arrear of Quitrents which M^r Saxby has often refused to comply with.

Therefore your Lordship's Memorialist humbly prays that Your Lordships would be pleased to take the premisses into consideration and that Your Lordships in your great wisdom, would be pleased to determine whether from the nature and design of my Office, there is not much greater and stronger reasons for supporting of me in the execution of His Majesty's commands then there was at first for the appointment of an Officer for the Special uses set forth in my commission.

I am with all submission
may it please your Lordships
Your Lordships
most obedient and
most humble servant

HENRY MACCULLOH.

Cape Fear, 16th Feb^r 1744.

[NOTE.—As the year then began on 25 Mar. of each year, 16 Feb. 1744 is 16 Feb. 1745 by our notation.—W. C.]

1746.

(P. R. O. PLANTATIONS GENERAL. B. T. VOL: 56 P. 131.)

King's Warrant appointing Thos Child Esq^{re} Attorney General for
North Carolina

28th February 1745-6.

GEORGE R.

Trusty and welbeloved we greet you well. Whereas we have taken into our Royal consideration the Loyalty Integrity and Ability of our trusty and welbeloved Thomas Child Esq^{re} We have thought fit hereby to authorize and require you forthwith to cause Letters Patents to be passed under our seal of that our Province of North Carolina in America for constituting and appointing him the said Thomas Child our Attorney General of and in our said Province the said Office being vacant by the promotion of John Montgomery Esq^{re} late Attorney General there deceased to the Office of Chief Justice in our said Province to have hold exercise and enjoy the said office of our Attorney General unto him the said Thos Child during our Pleasure and his residence within our said Province together with all and singular the Rights Salaries Fees Profits Privileges and Emoluments thereunto belonging or appertaining and for so doing this shall be your Warrant and so we bid you farewell. Given at our Court at S^t James's the 28th Day of Febru^{ry} 1745-6. in the nineteenth year of our reign.

To our Trusty and welbeloved Gabr^l Johnston Esq^{re} our Captain General &c:

(P. R. O. PLANTATIONS GENERAL. B. T. VOL: 56. P. 133.)

King's Warrant appointing Benjamin Wheatley Gent: Naval
Officer of North Carolina

26th June 1746.

GEORGE R.

Our Will & Pleasure is that you prepare a Bill for our Royal Signature to pass our Great Seal containing our Grant to our

Trusty and welbeloved Benja: Wheatley Gent. of the Office or Place of Clerk of the Naval or Navy Office in our Province of North Carolina in America to have hold exercise and enjoy the same to him the said Benja: Wheatley by himself or his sufficient Deputy or Deputies for and during our Pleasure together with all and singular the Fees Rights Profits Privileges Perquisites and advantages to the said Office belonging or appertaining with a Priviso that nothing in the said Letters shall extend or be construed to extend to the Prejudice or disadvantage of the Office of our High Admiral of Great Britain or of our Admiralty of our foreign Plantations for the time being or any the Rights Privileges Jurisdictions Powers and Authorities to the same in anywise appertaining. And for so doing this shall be your Warrant. Given at our Court at Kensington the twenty six day of June-1746. in the twentieth year of our reign.

By his Majesty's command

HOLLES NEWCASTLE.

To our Attorney or
Solicitor General.

1748.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 51. P. 281.]

James Abercromby Esq^r Agent. Oct. 1748

NORTH CAROLINA.

An Act to appoint an Agent to solicit the affairs of this Province at the several Boards in England

Whereas for want of an Agent appointed by Public Authority to solicit and truly represent the affairs of this Province at the several Boards in England they have often been misrepresented there to the great prejudice of the Inhabitants of the said Province Wherefore We pray that it may be Enacted.

And it is hereby enacted by His Excellency the Govenor Council and General Assembly and the Authority of the same that James Abercromby of London in the Kingdom of Great Britain Esq^r be and is hereby appointed Agent of the Province from the

ratification of this Act for and during the term of two years next after the twenty fifth day of March ensuing to solicit represent and transact all such publick Affairs and business now relating to the said Province or that shall or may be moved concerning the same at any of the Boards in England during the said term or time according as he shall from time to time find occasion or be directed and instructed by the Committee of Correspondence after appointed.

And that the said James Abercromby Esq^r in consideration of his trouble charges and expences in Transacting the Public Business of this Province as Agent to this time and untill the Twenty fifth day of March next Ensuing be and is hereby Allowed the sum of one hundred Pounds sterling to be paid immediately after the Ratification of this Act to the said Committee for the use of the said James Abercromby Esq^r out of the Publick Treasury by Warrant from His Excellency the Governor which said sum shall by the said Committee be remitted to the said James Abercromby by the first opportunity and also the further sum of Fifty Pounds sterling yearly for the said two years next after the Ratification of this Act which said sum of Fifty Pounds shall be yearly paid out of the Publick Treasury to the said Committee for the use of the said James Abercromby by Warrant from his Excellency the Governor and be remitted by the said Committee to the said James Abercromby.

And be it further enacted that the Honourable Robert Halton, and Eleazer Allen Esquires and Samuel Swan, John Swan and John Starkey Esquires and the Majority of them or the majority of the survivors of them be and they are hereby nominated and appointed a Committee of Correspondence from the Ratification of this Act and during the correspondence of the said Agency and shall from time to time during the said two years correspond—with the said James Abercromby Esquire and advise direct and instruct him in all such matters relating to this Province as may be moved or solicited or that they may think proper at any time to move or solicit before His Majesty in Council or at any of the Boards in England.

And the said Committee shall from time to time as often as required lay before the Governor or Council and General Assembly the advices they shall receive from the said Agent during the

said two years and also copies of such Dispatches Orders and Directions as they shall send to him

And be it Enacted by the Authority aforesaid that this Act shall be in force for and during the space and term of two years next after the Twenty fifth day of March next and no longer

(signed)

GAB. JOHNSTON
NATH. RICE

Read three times and ratified in Open Assembly the day of October Anno. Dom. 1748,

(signed)

SAM^r SWAN, speaker

These are to certify that the foregoing is a true copy of the Law passed last Sessions for appointing an Agent the day of October Anno Dom. 1748

(signed)

¶ JNO. RICE Dep. Sec^r

1749.

(P. R. O. PLANTATIONS GENERAL B. T. VOL: 56. P. 135.)

King's Warrant appointing Enoch Hall Esq^{re} our Chief Justice of North Carolina

11th July 1749.

GEORGE R.

Trusty and welbeloved we greet you well. Whereas our trusty and welbeloved Enoch Hall Esq^{re} our Chief Justice in our Province of North Carolina in America hath humbly prayed us to grant him our Royal Licence to be absent for the space of eighteen months from our said Province for recovery of his health We are graciously pleased to condescend to his request and accordingly do by these presents give and grant unto him the said Enoch Hall our full and free leave Licence and permission to be absent from our said Province for and during the Term of eighteen months as aforesaid to be computed from the day of the date hereof And so we bid you fare-

well. Given at our Court at Kensington the eleventh day of July 1749. in the twenty third year of our Reign.

By his Majesty's command

BEDFORD

To our Trusty and welbeloved Gabriel Johnston Esq^{re} our Cap: Gen^l & Gov^r in Chief of our Province of North Carolina in America and in his absence to our Comm^r in Chief or to the President of our Counc^l of our said Province for the time being.

[B. T. R. O. S^o CAROLINA B. T. VOL: 15. I. 47.]

Answers from James Glen Esquire Governor of South Carolina to the Queries from The Right Honourable the Lords Commissioners for Trade and Plantations.

Rec^d Sep^{br} y^e 13th 1749.

With Gov^r Glen's Letter dated
y^e 19th July 1749.

Extract.

MY LORDS

* * * * *

His Majesty by his Instructions to me was graciously pleased for preventing disputes betwixt the *Provinces of South and North Carolina* to direct a line to be run thirty miles to the Southward of Cape Fear River paralel to and observing the Course of the River to its head for a Boundary on that part, these orders are so express and plain that one would imagine there could be no dispute but lawless People never want a Pretext not to do what they have no mind to; and I am sorry to say that numbers of such who are settled in those parts without legal Titles evade paying any Quit Rents to the Crown and shew little regard to either Government; When they are questioned by the Officers of this Province they pretend they belong to North Carolina whose Officers I suppose they rather silence than satisfie by a like answer.

I say pretend because a little before my arrival here, a line was run or said to be run by persons who I am afraid did not rightly understand or at least did not duly execute his Majesty's Instructions Wherefore if the Governor of North Carolina were De Novo instructed upon that head agreeable to His Majesty's pleasure

expressed in the 36th Article of my Instructions I make no question but His Majesty's gracious Intentions might yet be fulfilled.

An Indian Nation called the Catawbias in amity with this Government distant about eighty miles North from Saxa Gotha one of our new Townships bounds us on that Quarter.

On the Northwest we have the Cherokees our Allies whose nearest Towns are about three hundred miles from Charles Town tho indeed their hunting grounds stretched much nearer to us.

1752.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL 52. P. 1.]

Warrant appointing James Hassel Esq^{re} to be a Councillor in North Carolina in the room of James Stallard Esq^{re}.

May 13th 1752.

By their Excellencies the Lords Justices

We being well satisfied of the Loyalty Integrity and Ability of James Hassel Esq^{re} do hereby in His Majesty's Name direct and require you forthwith upon the Receipt hereof to swear and admit him the said James Hassel to be one of His Majesty's Council in His Majesty's Province of North Carolina in the room of James Stallard Esq whose name was inserted in His Majesty's Instructions to you but has never taken his seat in the said Council or appeared in the said Province and for so doing this shall be your Warrant

Given at Whitehall the Day of in the twenty fifth year of His Majesty's Reign

By their Excellencies Command

To Gabriel Johnston Esq His Majesty's Governor of the Province of North Carolina in America, and in his absence to the Commander in Chief or to the President of His Majesty's Council of the said Province for the time being.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 52. P. 2.]

Warrant appointing James Innes Esq^{re} to be a Councillor in North Carolina in the room of Rich^d Egans.

13. May 1752.

By their Excellencies the Lords Justices

We being well satisfied of the Loyalty Integrity and Ability of James Innes Esq^{re} do hereby in His Majesty's name direct and require you forthwith upon the Réceipt hereof to swear and admit him the said James Innes Esq^{re} to be one of His Majesty's Council in His Majesty's Province of North Carolina in the room of Richard Egans Esq^{re} whose name was inserted in His Majesty's Instructions to you but has never taken his seat in the said Council or appeared in the said Province. And for so doing this shall be your Warrant.

Given at Whitehall the Day of in the twenty fifth year of His Majesty's Reign.

By their Excellencies Command

To Gabriel Johnston Esq^{re} His Majesty's Governor of the Province of North Carolina in America, and in his absence to the Commander in Chief or to the President of His Majesty's Council for the time beinge.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 52. P. 3.]

Warrant appointing John Rutherford Esq^{re} a Councillor in North Carolina in the room of Robert Halton Esq^{re}

13. May 1752.

By their Excellencies the Lords Justices

We being well satisfied of the Loyalty Integrity and Ability of John Rutherford Esq^{re} do hereby in His Majesty's name direct and require you forthwith upon the Receipt hereof to swear and admit him the said John Rutherford to be one of his Majesty's Council in His Majesty's Province of North Carolina in the room of Robt Halton Esq^{re} deceased. And for so doing this shall be your warrant Given at Whitehall the Day of in the twenty fifth year of His Majesty's reign.

[NOTE.—James Innes and Robert Halton had served as Captains in the Carthage Exp., 1740.—W. C.]

By their Excellencies Command

To Gabriel Johnston Esq^{re} His Majesty's Governor of the Province of North Carolina in America, and in his absence to the Commander in Chief or to the President of His Majesty's Council of the said Province for the time beinge.

A like Warrant was prepared for Francis Corbin in the room of Eleaz: Allen, and

| | | | | |
|---------------------|---------------------|-------------|--------------------------|-------------|
| John Swan | } Esq ^{rs} | In place of | Edw ^d Moseley | } deceased. |
| John Dawson | | | Roger Moon | |
| James Craven | | | Cullen Pollock | |
| Lewis de Rosset Jr. | | | William Forbes | |

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 52 P.]

Warrant appointing John Ricusset Esq^{re} to be a Councillor in North Carolina.

13. May 1752.

By their Excellencies the Lords Justices

We being well satisfied of the Loyalty integrity and Ability of John Ricusset Esq do hereby in His Majesty's name direct and require you forthwith upon the Receipt hereof to swear and admit him the said John Ricusset to be one of His Majesty's Council in His Majesty's Province of North Carolina. And for so doing this shall be your warrant Given at Whitehall the Day of in the twenty fifth year of His Majesty's Reign.

By their Excellencies Command

To Gabriel Johnston Esq^{re} His Majesty's Governor of the Province of North Carolina. in America, and in his Absence to the Commander in Chief or to the President of His Majesty's Council of the said province for the time beings.

[B. P. R. O. AM: & W. IND: VOL: 114.]

At the Council Chamber Whitehall. the 28th day of May 1752.

Present.

Their Excellencies the Lords Justices in Council.

Upon reading this day at the Board a Report from the Lords Commissioners for Trade and Plantatians together with Draughts

of Warrants prepared by them directing and requiring Gabriel Johnston Esq^{re} His Majesty's Governor of North Carolina to swear and admit James Hassell, James Innes John Rutherford, Francis Corbin, John Swan, John Dawson, James Craven, Lewis De Rosset Junior and John Ricusset Esq^{re} to be of His Majesty's Council in the said Province. Their Excellencies the Lords Justices this day took the said Report and Draughts of Warrants into consideration and were pleased with the advice of His Majesty's Privy Council to approve thereof and to order as it is hereby ordered that Claudius Amyand and Richard Potenger Esq^{re} Secretary to the Lords Justices do lay the said Warrants (which are hereunto annexed) before their Excellencies for their signing.—

W. SHARPE.

1753.

[B. P. R. O. AM: & W. IND. VOL: 103.]

At the Court at St James's the 7th day of February 1753.

Present.

The Kings most Excellent Majesty in Council.

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations together with the Draught of a Commission prepared by the said Lords Commissioners for Arthur Dobbs Esq^{re} to be Captain General and Governor in Chief of His Majesty's Province of North Carolina and it appearing that the said Draught of Commission is drawn in the usual Form His Majesty was pleased with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the Right Honourable the Earl of Holderness One of His Majesty's Principal Secretaries of State do cause a Warrant to be prepared for His Majesty's Royal Signature in order to pass a Commission under the Great Seal of Great Britain agreeable to the said Draught which is hereto annexed.

W. SHARPE.

1754.

[B. R. R. O. PLANTATION GENERAL B. T. VOL. 51. P. 285.]

NORTH CAROLINA

D^r SIR,

I herewith send you a letter for M^r Dobbs if he is sailed I desire you will open it for your Information our Assembly met at Wilmington the 19th of last month We have continued your appointment for three years and to the end of the next Session of Assembly and have taken care to secure the fund excuse hast and am with the greatest regard

D^r SirYour most Obed^t Serv^t

(Signed)

MATT ROWAN

Rowan Capefear March 15th 1754.

[B. P. R. O. Nor: Carolina B. T. Vol: 12. c. 33.]

To the Right Hon^{ble} the Lords Commissione^{rs} for Trade and Plantations.

The humble memorial of H. M^cCulloh.

Sheweth

That, as your Lordships have now under consideration the state of the Grant in which your Memorialist is concerned in N^o Carolina he most humbly prays leave to submit it to your Lordships whether it doth not in all respects appear reasonable and equitable and also for the service of the Crown to set off part of the £6200. due to your Memorialist by warrant from the Crown in S^o Carolina in discharge of the Quit Rents of your Memorialist's Lands which will hereafter become due to the Crown in N^o Carolina and also that in order to keep up the Record in said Colony such Persons as purchase Lands from him shall be at Liberty to *attorn* to the Crown for the payment of their respective Quit Rents in which case your Memorialist is to be exempt from any further demand in respect to the same.

Your Memorialist hath nothing more at heart than if possible to prevent all manner of disputes in relation to his said settlement.

And therefore most humbly prays your Lordships to take the Premises into Consideration and as your Memorialist hath £1035. sterling the last payment of His Majesty's said Warrant unapplied that your Lordships will be pleased to recommend it to His Majesty to grant him the Liberty to set off said summ of £1035. sterl: to the payment of such Quit Rents as may hereafter arise and become payable by him in N° Carolina and that when his Tenants or such as have Mesne Conveyances under him hath attorned to the Crown the payment of their respective Quit Rents he shall be thereafter exempted from the payment of such part or proportion thereof.

And your Mem^{ty} as in Duty bound
shall ever pray &c

HENRY M^cCULLOH.

(Endorsed)

Rec^d May 15th } 1754
Read May 24th }

[B. P. R. O. S^c. CAROLINA B. T. VOL. 27. P. 494.]

May 28th 1754.

To the Kings most Excellent Majesty.

May it please your Majesty

We have had under our Consideration a Memorial presented to us by M^r Henry M^cCulloh who under Grants from your Majesty is possessed of many large Tracts of Land within the Province of North Carolina setting forth that by virtue of your Majesty's Warrant on the Receiver of your Quit Rents in the Province of South Carolina the Sum of Six Thousand two hundred pounds are due to the Memorialist and his assigne on account of His Salary as late Comptroller of your Majesty's Quit Rents in the said Province that the Sum of one thousand thirty five pounds sterling part of the said six thousand two hundred remain unassigned and at the disposal of the Memorialist and therefore praying that he may have your Majesty's permission to set off the sum of one thousand thirty

five Pounds in discharge of such Quit Rents as may hereafter arise and become payable by him in North Carolina and that when his Tenants or such as have Mesne Conveyances under him have attorned to your Majesty for the payment of their respective Quit Rents he may be thereafter exempted from the payment of such part or proportion of them.

As this request appears to us to be reasonable and such an Indulgence from your Majesty may enable the Petitioner to comply with the Terms of his Grants and to cultivate his Lands We humbly beg leave to lay before your Majesty the annexed Copy of the said Memorial and to submit to your Majesty to give such Directions upon it as to your Majesty shall seem most proper.

Which is most humbly submitted

DUNK. HALIFAX.
T. GRENVILLE.
T. PELHAM.
R. EDGCOMBE.

Whitehall
May 28th 1754.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 37.]

Warrant appointing Henry M^cCulloh Esq^{re} to be Secretary and Clerk of the Crown in North Carolina.

June 21. 1754.

G. R.

Trusty and Welbeloved, We greet you well.

Whereas we have taken into our Royal consideration the Loyalty, Integrity and Ability of our Trusty and Welbeloved Henry M^cCulloh Esq^{re} we have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under our Seal of that our Province of North Carolina for constituting and appointing him the said Henry M^cCulloch Secretary and Clerk of the Crown of and in our said Province to have, hold, execute and enjoy the said Offices during our Pleasure and his residence within our said Province together with all and singular the Rights, Salaries and Fees, Profits, Privileges and emoluments thereunto belonging or appertaining. And for so doing this shall be your

Warrant and so we bid you farewell. Given at our Court at Kensington the day of 1754 in the 28th year of our reign.

By His Majesty's Command.

To our Trusty and Welbeloved Arthur Dobbs Esq^{re} our Captain General and Governour in Chief of our Province of North Carolina in America and in his absence to our Commander in Chief or to the President of our Council of our said Province for the time being.

[B. P. R. O. Am: & W. Ind: Vol: 103.

At the Court of Kensington.
the 21st day of June 1754.

Present.

The King's most Excellent Majesty
in Council.

His Majesty having been pleased to approve of Henry M^cCulloch Esq^{re} to be Secretary and Clerk of the Crown in the Province of North Carolina in America. The Lords Commissioners for Trade and Plantations did this day lay before His Majesty at this Board (pursuant to His Majesty's order for that purpose) a Warrant to authorize and require the Governor and Commander in Chief of the said Province to cause letters patent to be passed under the seal of the said Province for constituting and appointing the said Henry M^cCulloch Esq^{re} Secretary and Clerk of the Crown accordingly to hold and execute the said Offices during his Majesty's Pleasure and the Residence of the said M^r M^cCulloch within the said Province—and His Majesty in Council having been pleased to approve of the said Warrant doth hereby order that the Right Honorable Sir Thomas Robinson one of His Majesty's principal Secretaries of State do lay the said Warrant (which is hereunto annexed) before His Majesty for His Royal Signature.

W. SHARPE.

[FROM THE DINWIDDIE PAPERS VOL. 1ST PAGE 331.]

Governor Dinwiddie to Earl Granville.

Sept^r 23rd (1754).

R^t Hon:-

My last Let^r I troubled Y^r L^{ds}. (with) was the 15th Ulto, to w^{ch} I beg (you) to be refer^d. The No. Car. Regmi^t y^t was raised for our Assistance on this Expeditⁿ to the No. of 400, deserted and disbanded themselves before they reached the Place of Actⁿ; they raised in that Colony 12,000 £ towards their Pay and Maintenance. The Presid^t fixed the Pay of the private Men at 3s Proclamation Mo(ney) per Day, a monstrous Error, and more so, as I wrote him the Establishm^t of the Pay of our Forces was 8d per Day. The Soldiers were so elated with their high Pay, that they made slow Marches, and before (reaching) the other Forces, the 12,000 £ was near all expended, and they w^d not serve unless they had security for the above Pay, w^{ch} c^d not be done, as all the other Soldiers were at 8d per Day. This unexpected Desertⁿ of so many Men has entirely put an End to the Operat^s I had intended this Fall.

[FROM THE DINWIDDIE PAPERS VOL. 1ST PAGE 322 & 323.]

Governor Dinwiddie to Secretary Robinson.

Sept^r 23 (1754) per Capt. Whitwell.

R^t Hon:

My last Let^r to You was the 15th ulto., wⁿ I wrote You our Forces at Will's Creek were about 900 Men: y^t they had my Orders to march over the All^y Mount's, and if possible, to dislodge the French from the Fort they took from us last May (sic); if they found y^t impracticable, to call a Council of War, and choose a proper place for erecting a Fort, and place therein a proper No. of Men to defend the same, and to be ready for Actⁿ in the Spring. To my great Surprise, the Week following, I had Acc^t y^t all the Forces raised in No Carolina had disbanded themselves and marched home; the conduct^g of the Supply from y^t Colony is with^t Preced^t. They raised 12,000 £. I wrote the President the

Establishm't of the Pay of the regim't raised here: the Private Men at 8d. Per Day, and the officers, viz't: Colo., 15s., Lieut Colo., 12s. 6d.; Maj'r, 10s.; Capts., 8s.; Lieuts., 4s.; Ensigns, 3s.; Serg'ts, 1s. 6d.; Corporals and Drum's, 1s. Without Due Notice thereof, he gave the private Men, 3s. per Day, and the officers near the same, as in the reg't raised here. The Dillatoriness of their Forces marching, with the excessive high Pay to the Private Men, exhausted the 12,000 £, before they had properly jointed the other Forces, and without Assurances of the Continuance of s'd Pay, they w'd serve no longer, w'ch by no means c'd be complied with, as the other Men had only 8d. Per Day; at y't Pay they w'd not serve, so deserted in large Parties. This unforeseen Affair put an end to my Scheme to march'g over the Allegany Mount's as there did not remain above 480 Men. The French is th't to have near 1,500 Men.

1755.

[FROM THE DINWIDDIE PAPERS VOL. 1. PAGE 512.]

Governor Dinwiddie to Lord Halifax. Feb'y 24th, 1755.

R'T HON'BLE:

I have the Hon'r of Y'r Letter of the 26th Nov'r by Gen'l Braddock, this Day Y'r L'd's. of the 19th Dec'r, both w'ch I have very seriously read and considered. His M'y's great care of his Colonies on y's Cont't are of so remarkable and distinguish'd paternal Affect'n, y't it ought to rouse the most obstinate People to a dutiful Compliance with his direct's and Orders for a mutual Supply. But my Heart is grieved, and I want Words to express the obdurate and inconsist't Behavior of our Neighbor'g Colonies, not as yet awaken'd from y'r Lethargy, No. Car. only excepted, who have voted (£) 5,000 for the Expedit'n. M'yl'd Assembly now sitting. Pennsylv'a Assembly adjourn'd with't vot'g one Farth'g, and by pretence of a Misunderstanding between the Gov'r and them, they reject the royal Instruct's, and I fear are not well inclined to their own preservat'n, for no small Punctilios sh'd preside w'n so imminent Danger appears.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 64.]

Warrant appointing Peter Henley Esq^{re} to be Chief Justice of North Carolina.

May 13. 1755.

By the Lord Justices.

This Warrant is not entered.

[B. P. R. O. AM: & W. IND. VOL: 104.]

At the Council Chamber Whitehall. the 13th day of May 1755.

Present

The Lords Justices in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before the Lords Justices at this Board (pursuant to their Excellencies Order for that purpose) a Warrant to authorize and require the Governor and Commander in Chief of the Province of North Carolina in America to cause Letters Patent to be passed under the Great Seal of the said Province for constituting and appointing Peter Henley Esq^{re} Chief Justice of that Province in the room of Enoch Hall Esq^{re} deceased to hold and execute the said Office during His Majesty's Pleasure, and the residence of the said Peter Henley within the said Province—And the Lords Justices in Council having been pleased to approve of the said Warrant (which is hereunto annexed) do hereby order that Claudius Amyand and James Rivers Esq^{re} Secretary to the Lords Justices do lay the said Warrant before them for their signing—

W. SHARPE.

[B. P. R. O. AM: & W. IND: VOL: 104.]

At the Council Chamber Whitehall the 24th day of June 1755.

Present.

The Lords Justices in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs

dated the 12th of this Instant humbly offering to the Lords Justices for their approbation a Draught of an additional Instruction prepared by the Lords Commissioners for Trade and Plantations for Arthur Dobbs Esq^{re} Governor of His Majestys Province of North Carolina empowering him to give his assent to any Act or Acts for re-establishing the several Towns and Countys heretofore erected by the Laws which have been repealed by His Majesty's Order in Council of the 8th of April 1754. Provided such new Acts do not give Power to such Towns or Countys to send Representatives to the Assembly nor ascertain the number of Representatives to be sent And provided also that any other Laws which may have been passed in the said Province since the date of His Majesty's aforesaid Order in Council which might not at that time be laid before His Majesty by which any Townships or Countys may have been erected and empowered to send Representatives to the Assembly be repealed and other Laws passed for the said purposes not liable to that objection—The Lords Justices this day took the said Report and Draught of Additional Instruction into their consideration and were pleased with the advice of His Majesty's Privy Council to approve of the said Draught of Additional Instruction (which is hereunto annexed) and to order as it is hereby ordered That Claudius Amyand and James Rivers Esq^{rs} Secretary to the Lords Justices do lay the same before them for their Signature.

W. SHARPE.

1756.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 82.]

Warrant appointing Edward Brice Dobbs Esq^{re} to be a Councillor in North Carolina.

Feb^{ry} 5th 1856.

G. R.

Trusty and Welbeloved, we greet you well. We being well satisfied of the Loyalty Integrity and Ability of our Trusty and Wellbeloved Edward Brice Dobbs Esq^{re} have thought fit hereby to signify to you and Will and Pleasure that forthwith upon the Receipt of these Presents you swear and admit him the said

Edward Brice Dobbs to be of our Council in our Province of North Carolina in America in the room of James Craven Esquire—deceased and for so doing this shall be your Warrant and so we bid you farewell.

Given at our Court at St James's the day of 1756 in the 29th year of our Reign.

By His Majesty's Command.

To our Trusty and Wellbeloved Arthur Dobbs Esq^{re} our Captain General and Commander in Chief in and over our Province of North Carolina in America or in his absence to the Commander in Chief or President of our Council of our said Province for the time being.

1757.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 94.]

Warrant appointing Richard Spaight Esq^{re} to be a Councillor in North Carolina

Feb^{ry} 4th 1757.

G. R.

Trusty and Wellbeloved we greet you well. We being well satisfied of the Loyalty Integrity and Ability of our Trusty and Wellbeloved Richard Spaight Esquire have thought fit hereby to signify to you our Will and Pleasure that forthwith upon the Receipt of these Presents you swear and admit him the said Richard Spaight to be of our Council in our Province of North Carolina in America in the room of Henry McCulloch Esq^{re} deceased. And for so doing this shall be your Warrant And so we bid you farewell. Given at our Court at St James's the 14th day of February 1757. in the thirtieth year of our Reign.

By His Majesty's command.

To our Trusty and Wellbeloved Arthur Dobbs Esq^{re} our Captain General and Governour in Chief of our Province of North Carolina in America, or in his absence to the President of our Council and Commander in Chief of our said Province for the time being.

[B. P. R. O. AM : & W. IND : VOL : 104.]

At the Court at S^t James's the 4th day of February 1757.

Present

The King's most Excellent Majesty in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (pursuant to His Majesty's Order for that purpose) a Warrant directing and requiring Arthur Dobbs Esq^r. His Majesty's Governor in Chief of the Province of North Carolina in America to swear and admit Richard Spaight Esq^r to be of His Majesty's Council in the said Province in the room of Henry M^cCulloh Esq^r deceased—And His Majesty in Council having been pleased to approve of the said Warrant (which is hereunto annexed) Doth hereby order that the Right Honourable William Pitt Esq^r one of His Majesty's principle Secretary's of State do lay the same before His Majesty for His Royal Signature.

W. SHARPE.

[B. P. R. O. SO : CAROLINA. B. T. VOL : 18. K. 169.]

Report of both Houses of Assembly concerning the Pretentions of this Province (viz^t South Carolina) with respect to a Boundary Line between it & North Carolina.

Without Date.

Rec^d with Gov^r Lyttelton's Letter dated the 24th May 1757.

Cape Fear River was the Ancient Boundary between South & North Carolina. That River divides these Provinces nearly in a North West direction Bounding North Carolina to the South West & South Carolina to the North east. Hence it is that as the former Province was long since distinguished by the name of North east so the latter was known by the appellation of South west and hence also it is that the Authority of Government and exercise of Jurisdiction were respectively limited in each of these Provinces by Cape Fear River and so remained during the Proprietorship of South Carolina some years after his Majesty was graciously pleased to take the Inhabitants of this Province under his more immediate Protection it happened that sundry Persons who were settled near

Charles Town removed from thence with their Families and Slaves and sat down upon the South Banks of Cape Fear River near the sea. They built a Town and gave it the name of Brunswick; There tho' those so New settlers were within the Legal Jurisdiction of the Courts of this Province yet practicably they were beyond the reach of Process and tho' Taxable for the support of this Government yet by reason of their great distance from the seat of Government no Taxes could be levied The Inhabitants of this Province were then few in number. Their Settlements Northward from Charles Town extended very little further than Santee River—And they not being very Opulent the expences of Government which were greatly enhanced by their vicinity to Numerous Tribes of Indians became a very heavy burthen upon them while the Inhabitants of the North east parts felt little or no weight of annual Taxes— The People of Brunswick therefore became desirous to be legally as well as practicably freed from sharing this burthen with their Brethren and moved by their own private Interest, chosed rather to be deemed Inhabitants of North Carolina and if possible to be included within the Limits of that Province The Brunswick Settlement encreased and by reason of its contiguity to North Carolina and distances from Charles Town it became expedient nay for many other reasons necessary to annex it to North Carolina; And therefore in 1730 when his Majesty was graciously pleased to take into his Royal consideration the establishment of a Boundary Line between the two Provinces the Royal Will was in that respect so adapted to the Local circumstances of the People of Brunswick as to include them within the Bounds of North Carolina yet in such an equal manner as to limit this Province in its ancient natural Boundary to no more than Thirty Miles southerly distance from the whole course of Cape Fear River from the sea upward to its main source or head.

This appears by His Majesty's Instruction to Robert Johnson Esq^{re} then Governor of South Carolina and to George Burrington Esq^{re} then Governour of North Carolina which is in the words following "And in order to prevent any disputes that may arise about the Northern Boundary of our Province under your Government we are graciously pleased to signify our Will and Pleasure that a Line should be run by the Commissioners appointed by each Province beginning at the sea Thirty miles distant from the North

of Cape Fear River on the South west part thereof keeping the same distance from the said River as the Course thereof runs to the main source or head thereof. And from thence the said Boundary Line shall be continued due west as far as the south seas But if Waccamaw River lies within Thirty miles of Cape Fear River then that River to be the Boundary from the sea to the Head thereof And from thence to keep the distance of Thirty Miles parallel from Cape Fear River to the Head thereof and from thence a due West Course to the South Seas." This His Majesty's Instruction remained unexecuted nor was any steps taken by either of the two Governments in pursuance thereof until the year 1734. and then during the Government of Gabriel Johnston Esq^r Commissioners were mutually appointed by both Provinces in order to run a Line of Division according to the said Instruction. As His Majesty had not been pleased to direct a Boundary to be fixed by taking the Latitude of different places at the extremitys of the intended Line But that a Line should be run parallel to the Course of Cape Fear River at the distance of Thirty Miles to the South west thereof. It was expected that the said Commissioners would have made an actual survey of the said River in order from thence to ascertain a Boundary Line agreeable to the said Instruction But upon the most diligent search into our Records and Journals of that time no such survey can be found. It appears indeed from the Council Journals that for settling the said Boundary certain preliminary Articles were stipulated between the N^o & South Carolina Commissioners But it is equally manifest that the mode of division pointed out by these Articles was neither warranted by His Majesty's said Instruction nor countenanced by any Act of the Legislature of this Province And consequently had any survey been made in virtue of such Articles the same would have been void and ineffectual as done without authority But we have good reason to believe and with Truth we can affirm that no Line or Boundary between North and South Carolina has ever hitherto been run in exact conformity to His Majesty's said Instruction— We beg leave to observe that if the said Instruction is still to be kept in view and is now to be regarded as a direction in ascertaining a dividing Line between the two Provinces All reasoning in support of our pretentions to an extensive North Boundary and upon the equality of a dividing Line must in our apprehension be

inconclusive until a survey be made and taken of the real cours of Cape Fear River up from its entrance at sea to its main source or head and the exact Parallel of Latitude thereof be taken But in case His Majesty shall in His Royal Will be pleased to settle the said Boundary without such a survey as is proposed or shall think proper to issue any new Instruction to that end It is incumbent on us even now to offer to His Majesty such general reasons & considerations as may tend to procure such an allotment of Territory to this Province as may be most condusive to His Majesty's Interest in these Parts and to the Welfare of His Majesty's subjects whether residing in this or that Province.

1. And in the first place we beg leave to observe that the Southern parts of this Province are very greatly retrenched by Georgia—The distance between Cape Fear River and Savannah River by the Coast is indeed considerable. Charles Town Bar is not less than Seventy Miles from the Mouth of Savannah River which gives to this Province a considerable Eastern Front But as Savannah River from the sea upwards extends itself North westerly and inclines still more and more Northerly as it approaches the Mountains And as that River divides Georgia from South Carolina we humbly conceive a strong reason arises for enlarging the North boundary of this Province.

2^d Unless the North Boundary of this Province shall in His Majesty's good pleasure be largely extended this His Majesty's flourishing Province will very probably be checked in its growth. A limited North Boundary Intersecting Savannah River will form this Province into a triangle and reduce its Western Frontier. Hereby the most fertile and best Body of Lands will be loppt off and the Inhabitants of the upper parts of Pedee and Santee Rivers who are the strength of this Province will be sequestered from us.

3^d We humbly conceive it to be for His Majesty's Interest that a West Front in some good measure suited to the East Front of this Province be allotted. As the Lands near the Coast in this Province are in general of a barren and sandy nature and far less fertile and valuable for corn and indigo than those lands which lye remote from the sea. It is of the highest consequence so to proportion and accommodate the good lands to the bad as not only to preserve but invite inhabitants. Such a boundary therefore as will favour this equality of Distribution is the most likely to support

and bear up this province in its present vigour and to save it from that decay into which it must hereafter fall by a loss of Inhabitants and a want of fit soil for Cultivation.

4th As Pedee and Santee Rivers run thro' the very center of this Province the Inhabitants and Proprietors of Lands upon the upper parts of these rivers are naturally connected with those upon the coast They have easy and convenient navigation for small boats to George Town and Land carriage to Charles Town and there they find a ready market for their Commodities and supply of Merchandize— Is it not reasonable therefore to include them within the limits and Jurisdiction of South Carolina.

5th As Georgia yet remains in a weak and Infant state this Province is in reallity the South Frontier of His Majesty's North American Dominions. North Carolina is much more populous with Freemen than South Carolina but this Province far exceeds that in the Number of Slaves—The greatest disproportion there is between our White Men and Negroes renders us less formidable to a Forreign Enemy. In case Georgia or any of the Southern parts of this Province shall happen to be invaded then an exertion of our whole strength from every quarter will be absolutely necessary at once to oppose the invader and preserve our Slaves from a revolt. This double task cannot be undertaken with a prospect of success without the ready aid of those Inhabitants who are settled upon the upper parts of our several Rivers and their branches nor can this aid be procured in such an exigency unless these Inhabitants are subject to the immediate authority of this Government and within the Influence of our Militia Laws.

6th The expenses of Government have at all times been much higher here than in N^o Carolina. Our Taxes have heretofore been enlarged not only by means of common and ordinary Provincial charges but by reason of our attachment to the Colony of Georgia whose Interest has ever been the object of our attention and also by reason of our connection with all the surrounding Tribes of Indians particularly the Creeks, Chickesaws, Cherrockees and Catawbaws.

2^d It is true that His Majesty has been graciously pleased of His Royal Bounty to lessen our Indian Expences for Presents (which with gratitude we acknowledge) yet still do they compose a large Article in our annual Estimates. We raise them with chearfulness

and it is with real pleasure we can say that within these few years In obedience to His Majesty's command upon the earnest request of the Cherockee Indians and at the expence of £6000 sterling and upwards we have compleated Fort Prince Geo: at Keowee in the Lower, and Fort Loudoun at Tennessee in the upper, Cherrockee country These considerations while they furnish us with a claim to the contribution of our numerous back Settlers in aid of taxes as also they in some degree point the expediency of granting to this Province such a North Boundary as will include within it those parts of the Cherrockee Country where the said Forts are erected.

7th These different Tribes of Indians have always used this Government as the medium between His Majesty and them. There they offer their complaints renew Treaty's give Intelligence & negotiate all that concerns them. By long usages we have become thoroughly informed of their various policy their connections, inclinations, and dependancy and are acquainted with most of their affairs whether Forreign or domestick. It may prove a dangerous experiment to divert this long established communication between them and us into a different channel by throwing their Lands and Forts within the bounds of another Government especially in a juncture so critical as the present when the French are practicing every art in their power to seduce them from our Interest. We are hopeful that the Peace and Union which we have maintained and preserved with these expensive yet important allies for these forty years past and upwards and which still continues even in these times of danger will not only hold the conduct of this Government in that respect approved to His Majesty but will have a proper weight in determining the Limits and extent of South Carolina.

1758.

[B. P. R. O. AM. & W. IND. VOL: 104]

At the Court at Kensington the 6th day of November 1758.

Present

The King's most Excellent Majesty in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (pursuant to

His Majesty's Order for that purpose) a Warrant to authorize and require the Governor or Commander in Chief of His Majesty's Province of North Carolina in America to cause Letters Patent to be passed under the Seal of the said Province for constituting and appointing Charles Berry Esq^{re} to be Chief Justice of that Province in the room of Peter Henley Esq^{re} deceased to hold and execute the said Office during His Majesty's Pleasure, and the Residence of the said Charles Berry within the said Province—And His Majesty in Council having been pleased to approve of the said Warrant (which is hereunto annexed). Doth hereby Order that the Right Honourable William Pitt Esq^{re} One of His Majesty's Principal Secretaries of State do lay the same before His Majesty for His Royal Signature.—

W. BLAIR.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 139.]

Warrant appointing Charles Berry Esq^{re} Chief Justice of North Carolina.

Nov^{ber} 7th 1758.

G. R.

Trusty and Wellbeloved we greet you well. Whereas we have taken into our Royal consideration the Loyalty Integrity and Ability of our Trusty and Wellbeloved Charles Berry Esq^{re} we have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under the seal of our Province of North Carolina constituting and appointing him the said Charles Berry our Chief Justice of and in our said Province in the room of Peter Henley Esq^{re} deceased, to have, hold execute and enjoy the said office unto him the said Charles Berry for and during our Pleasure and his Residence within our said Province together with all and singular the Rights Profits Privileges and Emoluments unto the said Place belonging in as full and ample manner as the said Peter Henley or any other person hath formerly held and enjoyed or of Right ought to have held and enjoyed the same with full Power and Authority to hold the Spreme Courts of Judicature at such Places and Times as the same may and ought to be held within our said Province and for so doing

this shall be your Warrant and so we bid you farewell Given at our Court at S^t James's the 27th day of Nov^{ber} 1758. in the 32. year of our Reign.

By His Majesty's command.

To our Trusty and Wellbeloved Arthur Dobbs Esq^{re} our Captain General and Gov^r in Chief in and over our Province of North Carolina in America or in his Absence to the President of our Council or Commander in Chief of our said Province for the time being.

1759.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 162.]

Warrant appointing Benjamin Turner Naval Officer of North Carolina.

May 22nd 1759.

G. R.

Trusty and Wellbeloved We greet you well. Whereas we are well satisfied of the Loyalty Integrity and Ability of our Trusty and Wellbeloved M^r Benjamin Turner We have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under our Seal of our Province of North Carolina for constituting and appointing him the said Benjamin Turner Clerk of the Naval or Navy Office in our said Province in the room of Benjamin Wheatly Esq^{re} deceased to have hold exercise and enjoy the same to him the said Benjamin Turner by himself or his sufficient Deputy or Deputies during our Pleasure together with all and singular the Fees Rights Privileges Perquisites and advantages to the said office or Place belonging or appertaining with a Proviso that Nothing in the said Letters Patent contained shall extend or be construed to extend to the Prejudice or disadvantage of the Office of our High Admiral of Great Britain or of our Admiralty of our Foreign Plantations for the timē being or of any of the Rights Privileges Jurisdictions powers and Authorities to the same in any wise appertaining and for so doing this shall be your Warrant. And so we bid you farewell Given at our Court

at Kensington the 23rd day of May 1759. in the thirty second year of our Reign.

By His Majesty's command.

To our Trusty and Wellbeloved Arthur Dobbs Esq^{re} our Captain General and Governor in Chief in and over our Province of North Carolina in America or in his absence to the Commander in Chief of our said Province for the time being.

[B. P. R. O. AM : & W. IND VOL : 104.]

At the Council Chamber Whitehall the 31st May 1759.
Present.

The Lords of His Majesty's most Honourable Privy Council.

Upon reading at the Board a Report from the Right Hon^{ble} the Lords of the Committee of Council for Plantation Affairs dated the 28th of this Instant upon considering a Draught of an Instruction prepared by the Lords Commissioners for Trade and Plantations for His Majesty's Governor of the Province of North Carolina authorizing and directing him to recommend it in His Majesty's name to the Council and Assembly of that Province to pass an Act for Amending in the manner therein proposed two Acts passed there The One in 1748. Entitled "An Act for granting to His Majesty the sum of Twenty One Thousand Three Hundred and fifty Pounds Proclamation Money and for stamping and emitting the said sum of Twenty One Thousand and Three Hundred and fifty Pounds Publick Bills of Credit of this Province at the rate of Proclamation Money &c" And the other in 1754. Entitled—"An Act for granting to His Majesty the sum of Forty Thousand Pounds in Publick Bills of Credit at the Rate of Proclamation Money &c"—Which Report and Draught of an Instruction being this day taken into consideration and approved—It is thereupon ordered in Council, that the Right Honourable William Pitt Esq^{re} One of His Majesty's principal Secretaries of State do lay the same Instruction (which is hereunto annexed) before His Majesty for His Royal Signature.

W. BLAIR.

[B. P. R. O. AM: & W. IND. VOL. 14. H. 104.]

At the Council Chamber Whitehall. the 26th day of June 1759.

Present.

The Lords of His Majesty's most Hon^{ble} Privy Council.

Whereas the Lords Commissioners for Trade and Plantations have laid before this Board (pursuant to an Order in Council for that purpose) a Warrant to authorize and require the Governor or Commander in Chief His Majesty's Province of North Carolina in America to cause Letters Patent to be passed under the Seal of the said Province for constituting and appointing Thomas Child Esq^{re} to be His Majesty's Attorney General of that Province to hold and execute the said Office during His Majesty's Pleasure and the Residence of the said Thomas Child within the said Province And the said Warrant having been this day approved It is hereby ordered in Council that the Right Honourable William Pitt Esq^{re} One of His Majesty's Principal Secretaries of State do lay the same before His Majesty for His Royal Signature.

W. SHARPE.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 171.]

Warrant appointing Thomas Child Esq^{re} Attorney General of North Carolina.

July 6th 1759.

G. R.

Trusty and Wellbeloved we greet you well.—Whereas we have taken into our Royal consideration the Loyalty Integrity and Ability of our Trusty and Wellbeloved Thomas Child Esq^{re} We have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under our Seal of our Province of North Carolina in America for constituting and appointing him the said Thomas Child our Attorney General of and in our said Province to have hold exercise and enjoy the said Office of our Attorney General unto him the said Thomas Child during our Pleasure and his Residence within our said Province together with all and singular the Rights Salaries Fees Profits Privileges and Emolu-

ments thereunto belonging or appertaining and for so doing this shall be your warrant and so we bid you farewell. Given at our Court at Kensington the 6th day of July 1759. in the thirty third year of our reign.

By His Majesty's command.

W. PITT.

To our Trusty and Wellbeloved Arthur Dobbs Esquire our Captain General and Governour in Chief in and over our Province of North Carolina in America or in his absence to the President of our Council or Commander in Chief of our said Province for the time being.

1760.

[B. P. R. O. AM: & W. IND. VOL: 77.]

Circular Letter.

Whitehall Jan^y 7th 1760.

SIR.

His Majesty having nothing so much at heart as to improve the great and important advantages gained the last campaign in North Carolina and not doubting that all his faithfull and brave subjects there will continue most chearfully to cooperate with and second to the utmost the large expence extraordinary succours supplied by this Kingdom for their preservation and future security: And His Majesty considering that the several Provinces from Pensylvania inclusive to the Southward are well able with proper encouragement to furnish a Body of several Thousand Men to join the King's Forces in those Parts for some offensive Operation against the Enemy. And His Majesty not judging it expedient to limit the Zeal and Ardor of any of his Provinces by making a Repartition of the Forces to be raised by each respectively for this most important service I am commanded to signify to you the King's Pleasure that you do forthwith use your utmost Endeavours and Influence with the Council and Assembly of your Province to induce them to raise with all possible dispatch within your Government as large a Number of Men as the Number of it's Inhabitants may allow

and forming the same into Regiments as far as shall be found convenient that you do direct them to hold themselves in readiness as early as may be to march to the Rendezvous at such Place or Places as may be named for that purpose by the Commander in Chief of His Majesty's Forces in America or by the Officer who shall be appointed to command the King's Forces in those Parts in order to proceed from thence in conjunction with a Body of His Majesty's British Forces and under the supreme command of the Officer to be appointed as above so as to be in a situation to begin by the First of May if possible or as soon after as shall be any way practicable such offensive operations as shall be judged by the Commander of His Majesty's Forces in those Parts most expedient for annoying the Enemy and the better to facilitate this important service the King is pleased to leave it to you to issue Commissions to such Gentlemen of your Province as you shall judge from their weight and credit with the People and their Zeal for the Public service may be best disposed and enabled to quicken and effectuate the speedy levying of the greatest number of Men in the disposition of which Commissions I am persuaded you will have nothing in view but the good of the King's service and a due subordination of the whole when joined to His Majesty's Commander—And all Officers of the Provincial Forces as high as Colonels inclusive are to have Rank according to their several respective Commissions agreeable to the regulations Contained in His Majesty's Warrant of the 30th of December 1757.

The King is further pleased to furnish all the men so raised as above with Arms Ammunition & Tents as well as to order Provisions to be issued to the same by His Majesty's Commissaries in the same Proportion and Manner as is done to the rest of the King's Forces—And a sufficient Train of Artillery will also be provided at His Majesty's expence for the operations of the Campaign—The whole therefore that the King expects and requires from the several Provinces is, the Levying Cloathing and Pay of the Men and on these Heads also that no encouragement may be wanting to the fullest Exertion of your Force His Majesty is further most graciously pleased to permit me to acquaint you that strong Recommendations will be made to Parliament in their Session next year to grant a proper Compensation for such expences as above according as the active vigour and strenuous Efforts of the respective Provinces shall justly appear to merit.

It is His Majesty's Pleasure that you do with particular Diligence immediately collect and put into the best Condition all the Arms issued last Campaign which can be any ways rendered serviceable or that can be found within your Government in order that the same may be employed as far as they will go in this Exigency. I am at the same time to acquaint you that a reasonable supply of Arms will be sent from England to replace such as may have been lost or have become unfit for future service.

I am further to inform you that similar Orders are sent by this conveyance to Maryland Virginia N^o Carolina and S^o Carolina—The Northern Governments are also directed to raise Men in the same manner to be employed in such Offensive Operations as the Circumstances and situation of the Enemy's Possessions in those parts may point out which it is hoped will oblige them so to divide their attention and Forces as will render the several attempts more easy and successfull. It is unnecessary to add anything to animate your Zeal in the Execution of His Majesty's Orders on this great Occasion where the future and safety and the Welfare of America and of your own Province in particular are so nearly concerned And the King doubts not from your known Fidelity and Attachment that you will employ yourself with the utmost Application and Dispatch in this promising and decisive Crisis.

I am &c

W. PITT.

[B. P. R. O. AM: & W. IND VOL: 105.]

At the Court at St James's the 3rd day of December 1760.

Present.

The Kings most Excellent Majesty in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (pursuant to His Majesty's Order for that purpose) a Warrant directing and requiring the Governor or Commander in Chief of His Majesty's Province of North Carolina in America to swear and admit John Samson Esq^{re} to be of His Majesty's Council in the said Province in the room of James Innes Esq^{re} deceased — And His Majesty in Council having been pleased to approve of the said Warrant

(which is hereunto annexed) Doth hereby order that the Right Honourable William Pitt Esq^{re} One of His Majesty's principal Secretarys of State do lay the same before His Majesty for His Royal Signature.

W. SHARPE.

[B. P. R. O. AM : & W. IND : VOL : 77.]

Circular Letter.

Whitehall Dec : 17th 1760.

SIR,

His Majesty having nothing so much at heart as by the most vigorous Prosecution of the War to reduce the Enemy to the necessity of accepting a Peace on Terms of Glory and advantage to His Majesty's Crown and beneficial in particular to His Subjects in America and as nothing can so effectually contribute to that Great and essential Object as the King's being enabled to employ as immediately as may be such part of the regular Forces in North America as may be adequate to some great and important Enterprize against the Enemy I am commanded to signify to you the King's Pleasure that in order the better to provide for the full and entire Security of His Majesty's Dominions in North America and particularly of the Possession of His Majesty's Conquests there during the absence of such part of the regular Forces you do forthwith use your utmost endeavours and Influence with the Council and Assembly of your Province to induce them to raise with all possible Dispatch within your Government as large a Body of Men as the Number of its Inhabitants may allow (your Province having hitherto been extremely wanting to the King's service in this respect) and forming the same into Regiments as far as shall be found convenient that you do direct them to hold themselves in readiness and particularly as much earlier than former years as may be to march to such place or places in North America as His Majesty's Commander in Chief there or the Officer who shall be appointed to command the King's Forces in those Parts shall appoint in order to be employed there under the supreme Command of His Majesty's said Commander in Chief or of the Officer to be appointed as above in such manner as from the circumstances

and situation of the Enemy's Posts and the state and disposition of the Indian Nations on that side he may judge most conducive for the King's service and the better to facilitate this important service the King is pleased to leave it to you to issue Commissions to such Gentlemen in your Province as you shall judge from their Weight and Credit with the people and their Zeal for the Publick Service may be best disposed and enabled to quicken and effectuate the speedy levying of the greatest number of Men : In the disposition of which Commissions I am persuaded you will have nothing in view but the Good of the King's Service and a due subordination of the whole to His Majesty's Commander and all Officers of the Provincial Forces as high as Colonels inclusive, are to have Rank according to their several respective Commissions agreeable to the regulations contained in His late Majesty's Warrant of the 30th of Dec : 1757. which is renewed by His present Majesty.

The King is further pleased to furnish all the Men so raised as above with Arms Ammunition and Tents as well as to order Provisions to be issued to the same by His Majesty's Commissaries in the same proportion and manner as is done to the rest of the King's Forces: The whole therefore that the King expects and requires from the several Provinces is, the levying cloathing and pay of the Men and on these Heads also that no encouragement may be wanting to the fullest exertion of your Forces: His Majesty is further most graciously pleased to permit me to acquaint you that strong recommendations will be made to Parliament in their Session next year to grant a proper compensation for such expences as above according as the active vigour and strenuous Efforts of the respective Provinces shall justly appear to merit.

It is His Majesty's Pleasure that you do with particular diligence immediately collect and put into the best condition all the arms issued last campaign which can be anyways rendered serviceable or that can be found within your Government in order that the same may be employed for His Majesty's Service.

I am further to inform you that similar Orders are sent by this conveyance to Maryland Virginia North Carolina and South Carolina. The Northern Governments are also directed to raise Men in the same manner to be employed as His Majesty's Commander in Chief shall judge most conducive for the King's service in North America.

It is unnecessary to add anything to animate your Zeal in the Execution of His Majesty's Orders in this important injuncture which is finally to fix the future safety and Welfare of America and of your own Province in particular and the King doubts not from your known Fidelity and Attachment that you will employ yourself with the utmost application and Dispatch in this promising and decisive crisis.

I am &c

W. PITT.

1761.

[B. P. R. O. AM: & W. IND: VOL: 105.]

At the Court at S^t James's the 10th day of March 1761.

Present

The King's most Excellent Majesty in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (pursuant to His Majesty's Order for that Purpose) a Draught of a Commission prepared by them for Arthur Dobbs Esq^{re} to be Captain General and Governor in Chief of His Majesty's Province of North Carolina together with a Warrant for His Majesty's Royal Signature for passing the said Commission under the Great Seal of Great Britain—which Draught of a commission and warrant being in the usual form, His Majesty was pleased with the advice of His Privy Council to approve thereof and to order as it is hereby ordered That the Right Honourable William Pitt Esq^{re} One of His Majesty's Principal Secretarys of State do lay the said Draught of a Commission and Warrant (which are hereunto annexed) before His Majesty for His Royal Signature.

W. SHARPE.

[B. P. R. O. AM: & W. IND: VOL: 105.]

At the Court at S^t James's the 10th day of March 1761.

Present.

The Kings most Excellent Majesty in Council.

Whereas the Lords Commissioners for Trade and Plantations

have this day laid before His Majesty at this Board (pursuant to His Majesty's Order for that purpose) a Warrant to authorize and require the Governor or Commander in Chief of His Majesty's Province of North Carolina to cause Letters Patent to be passed under the Seal of that Province for constituting and appointing Charles Berry Esq^{re} to be Chief Justice of the said Province to hold and execute the said Office during His Majesty's Pleasure and the Residence of the said Charles Berry within the said Province and His Majesty in Council having been pleased to approve of the said Warrant (which is hereunto annexed) Doth hereby order that the Right Honourable William Pitt Esq^{re} one of His Majesty's Principal Secretaries of State do lay the same before His Majesty for His Royal Signature.

W. SHARPE.

[B. P. R. O. AM: & W. IND: VOL: 105.]

At the Court at S^t James's the 14th day of April 1761.

Present.

The King's most Excellent Majesty in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (pursuant to His Majesty's Order for that purpose) a Warrant authorizing and requiring the Governor or Commander in Chief of His Majesty's Province of North Carolina to cause Letters Patent to be passed under the Seal of that Province for constituting and appointing Thomas Falkner Esq^{re} to be Secretary and Clerk of the Crown of and in the said Province in the room of Henry M^cCulloh Esq^{re} deceased to hold exercise and enjoy the same during His Majesty's Pleasure. And His Majesty in Council having been pleased to approve of the said Warrant (which is hereunto annexed) Doth hereby order that the Right Honourable William Pitt Esq^{re} one of His Majesty's principal Secretaries of State do lay the same before His Majesty for His Royal Signature.

HEN: FANE.

[B. P. R. O. AM: & W. IND: VOL: 105.]

At the Court at St James's the 14th day of April 1761.

Present.

The King's most Excellent Majesty in Council.

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (pursuant to His Majesty's Order for that purpose) a Warrant to authorize and require the Governor or Commander in Chief of His Majesty's Province of North Carolina to cause Letters Patent to be passed under the Seal of that Province for constituting and appointing Robert Jones Junior Esq^{re} to be His Majesty's Attorney General of and in the said Province To hold and execute the said Office during His Majesty's pleasure and the Residence of the said Robert Jones Junior within the said Province And His Majesty in Council having been pleased to approve of the said Warrant (which is hereunto annexed) doth hereby order that the Right Honourable William Pitt Esq^{re} one of His Majesty's principal Secretarys of State do lay the same before His Majesty for His Royal approbation.

HEN: FANE.

[B. P. R. O. AM: & W. IND: VOL: 105.]

At the Court at St James's the 25th of June 1761.

Present.

The King's most Excellent Majesty in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 18th of this Instant in the words following. Viz^t

[This report is omitted, being identical with the Report of 6 May 1761 printed in "Colonial Records" VI. pp. 558-561.—W. N. S.]

His Majesty this day took the said Report into consideration and was pleased with the advice of His Privy Council to approve thereof and also of the said Draughts of Instructions so amended and altered and to order as it is hereby ordered that the Right Honourable William Pitt Esq^{re} one of His Majesty's principal Secretarys of State do lay the same before His Majesty for His Royal Signature.

F. VERNON.

[B. P. R. O. AMERICA AND WEST INDIES. VOL: 105. P. 361.]

At the Court at St James's the 3rd day of December 1761.

Present

The Kings most Excellent Majesty in Council.

Upon reading at the Board a Report from the Lords Commissioners for Trade and Plantations dated the 2nd of this Instant together with two Draughts of Instructions prepared by them, the One for the Governors of such of His Majesty's Colonies upon the Continent of North America as are under His Majesty's immediate Government and where the property of the soil is in His Majesty forbidding them to pass Grants of or encourage Settlements upon any Lands within the said Colonies which may interfere with the Indians bordering thereon—And the other for the Governors of His Majesty's American Islands and for the Governors of those Colonies of the Continent of America which are under His Majesty's immediate Government containing Directions with respect to the Tenure of the Commissions to be by them granted to the Chief Judges and Justices of the Courts of Judicature in the said Colonies— His Majesty this day took the said Draughts of Instructions into Consideration and was pleased with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the Right Honorable the Earl Egremont One of His Majesty's Principal Secretaries of State do Cause Instructions to be prepared agreeable to the said Draughts (which are hereunto annexed) for the Governor or Commander in Chief of His Majesty's Colonies on the Continent of North America and also for the Governors or Commanders in Chief of His Majesty's American Islands and of those Colonies on the Continent of America which are under His Majesty's immediate Government and lay the same before His Majesty for His Royal Signature.

HEN: FANE.

[B. P. R. O. AM: & W. IND: VOL: 77.]

Circular Letter.

Whitehall Dec: 12th 1761.

SIR,

The King having taken it into his most serious consideration how highly essential it is to the Interest and Security of his Sub-

jects in North America that the regular regiments serving in that Country be recruited with all convenient Expedition to their full Complement of Effectives and at the same time seeing the impracticability of compleating them from Great Britain, considering how this Country is drained by the great number of Men furnished for the various services in all parts of the World I am therefore to signify to you the King's Pleasure that you do immediately on the receipt of this Letter exert your utmost Influence to induce your Province to carry into the most speedy and effectual Execution this very important object by immediate compliance with any Requisition which Sir Jefferey Amherst shall in consequence of his Majesty's Orders make for furnishing on certain conditions which he will explain to you such a number of recruits from your Province as he shall demand as their Quota towards compleating the regular regiments which have been sent to America for the defence and protection of the possessions of his Majesty's subjects there. And the King cannot doubt but that the Provinces will cheerfully and readily comply with this reasonable demand so obviously calculated for their own security and advantage at the same time that your Zeal for His Majesty's service will naturally excite you to use all your Influence and Power in bringing effectually to bear a Measure which His Majesty has so much at heart and with regard to which any Failure or Disappointment would be extremely disagreeable.

I am &c

EGREMONT.

1762.

[B. P. R. O. AM: & W. IND: VOL: 105.]

At the Court at S^t James's the 19th of June 1762.
Present.

The King's most Excellent Majesty in Council.

Upon reading this day at the Board a Representation from the Lord's Commissioners for Trade and Plantations dated the 9: of this instant setting forth that John Swan Esq^{re} one of His Majesty's Council in the Province of North Carolina is dead and it being

usual and expedient for His Majesty's service that the Chief Justice of the several Colonies should have Seats in the Councils of those Colonies respectively the said Lords Commissioners propose that Charles Berry Esq^r whom His Majesty was graciously pleased in March 1761. to appoint Chief Justice of North Carolina may be appointed of His Majesty's Council in that Province in the room of the said John Swan Esq^r deceased—His Majesty in Council approving thereof is pleased to order as it is hereby ordered that the said Charles Berry Esq^r be constituted and appointed a Member of His Majesty's Council in the said Province of North Carolina in the room of the said John Swan Esq^r deceased—And that the Right Honourable the Earl of Egremont one of His Majesty's principal Secretarys of State do cause the usual Warrant to be prepared for His Majesty's Royal Signature accordingly—

W. SHARPE.

[B. P. R. O. S^o CAROLINA B. T. VOL: 20. M. 46.]

Report of the Assembly of South Carolina upon the Boundary Line
between that Province and North Carolina

[Read 24. Nov^{ber} 1762.]

Cape Fear River was the antient Boundary between South and North Carolina. That River divides these Provinces nearly in a North-West Direction bounding North Carolina to the South-West and South Carolina to the North-East. Hence it is that as the former Province was long since distinguished by the name of North-East so the latter was known by the Appellation of South-West and hence also it is that the Authority of Government and Exercise of Jurisdiction were respectively limited in each of these Provinces by Cape Fear River and so remained during the Proprietorship of South Carolina. Some years after His Majesty was graciously pleased to take the Inhabitants of this Province under His more immediate Protection it happened that Sundry persons who were settled near Charles Town removed from thence with their Families and Slaves and sat down upon the South Banks of Cape Fear River. Near the sea they built a Town and gave it the name of Brunswick There thō these new Settlers were within the legal Jurisdiction of the Courts of this Province yet practicably they

were beyond the reach of Process and thō taxable for the support of this Government yet by reason of their great distance from the Seat of Government no Taxes could be levied. The Inhabitants of this Province were then few in number Their Settlements Northward from Charles Town extending very little further than Santee River and they not being very opulent the Expences of Government which were greatly enhanced by their Vicinity to numerous Tribes of Indians became a very heavy burthen upon them while the Inhabitants of the North East parts felt little or no weight of annual Taxes. The People of Brunswick therefore became desirous to be legally as well as practicably freed from sharing this Burthen with their Brethren and moved by their own private Interest choose rather to be deemed Inhabitants of North Carolina and if possible to be included within the Limits of that Province. The Brunswick Settlement increased and by reason of its inconguity to North Carolina and distance from Charles Town it became expedient nay for many other reasons necessary to annex it to North Carolina therefore in 1730. when His Majesty was graciously pleased to take into His Royal Consideration of a Boundary Line between the two Provinces the Royal Will was in that respect so adapted to the Local Circumstances of the People of Brunswick as to include them within the Bounds of North Carolina yet in such an equal manner as to limit this Province in its antient natural Boundary to no more than Thirty Miles southerly distance from the whole course of Cape Fear River from the sea upward to its main source of head.

This appears by his His Majesty's Instruction to Robt Johnson Esq^{re} then Governor of South Carolina and to George Burrington Esq^{re} then Governor of North Carolina which is in the words following "and in order to prevent any disputes that may arise about the Northern Boundary of our Province under your Government we are graciously pleased to signify our Pleasure that a Line should be run by the Commissioners appointed by each Province beginning at the sea Thirty Miles distant from the mouth of Cape Fear River on the South West part thereof keeping the same distance from the said River as the course thereof runs to the main source or head thereof and from thence the said Boundary Line shall be continued due West as far as the South Seas But if Waccamaw River lies within Thirty Miles of Cape Fear River then that

River to be the Boundary from the Sea to the head thereof and from thence to keep the distance of Thirty Miles parrallel from Cape Fear River to the head thereof and from thence a due West Course to the South Seas."

This His Majesty's Instruction remained unexecuted nor was any step taken by either of the two Governments in pursuance thereof until the year 1734. and then during the Government of Gabriel Johnson Esq^r Commissioners were mutually appointed by both Provinces in order to run a Line of Division according to the said Instruction.

As His Majesty had not been pleased to direct a Boundary to be fixed by taking the latitude of different places at the Extremities of the intended Line but that a Line should be run parrallel to the course of Cape Fear River at the distance of Thirty Miles to the South-West thereof it was expected that the said Commissioners would have made an actual survey of the said River in order from thence to ascertain a Boundary Line agreeable to the said Instruction But upon the most diligent search into our Records and Journals of that time no such survey can be found. It appears from the Council Journals that for settling the said Boundary certain preliminary Articles were stipulated between the North and South Carolina Commissioners but it is equally manifest that the mode of division pointed at by these Articles was neither warranted by His Majesty's said Instruction nor countenanced by any Act of the Legislature of this Province and consequently had any survey been made in virtue of such Articles the same would have been void and ineffectual as done without authority. But we have good reason to believe and with truth we can affirm that no line or boundary between North and South Carolina has ever hitherto been run in exact conformity to His Majesty's said Instruction. We beg leave to observe that if the said Instruction is still to be kept in view and is now to be regarded as a direction in ascertaining a dividing Line between the two Provinces all reasoning in support of our Pretensions to an extensive North Boundary and upon the equality of a dividing Line must be inconclusive until a survey be made and taken of the real course of Cape Fear River up from its Entrance at Sea to its main source or head and the exact parallel of Latitude thereof be taken But in case His Majesty shall in His Royal Will be pleased to settle the said Boundary without such a

survey as is proposed or shall think proper to issue any new Instruction to that end it is incumbent on us even now to submit such general reasons and considerations as may tend to procure such an Allotment of Territory to this Province as may be most conducive to His Majesty's Interest in these Parts and to the Welfare of His Majesty's Subjects whether residing in this or that Province. And in the first Place we beg leave to observe that the Southern Parts of this Province are greatly retrenched by Georgia. The distance between Cape Fear River and Savannah River by the coast is indeed considerable. Charles Town Bar is not less than Seventy Miles from the mouth of Savannah River which gives to this Province a considerable Eastern Front But as Savanna River from the Sea upwards extends itself North Westerly and inclines still more and more Northerly as it approaches the mountains and as that River divides Georgia from South Carolina We humbly conceive a strong reason arises for enlarging the North Boundary of this Province 2^{dly} Unless the North Boundary of this Province shall in His Majesty's good Pleasure be largely extended this His Majesty's flourishing Province will very probably be checked in its growth. A limited North Boundary intersecting Savanna River will form this Province into a Triangle and reduce its Western Frontier whereby the best and most fertile Body of Lands will be lopped off and the Inhabitants of the upper parts of Pedee and Santee Rivers who are the strength of this Province will be sequestered from us 3^{dly} We humbly conceive it to be for His Majesty's Interest that a West Front in some good Measure suited to the East Front of this Province be allotted. As the Lands near the Coast of this Province are in general of a barren and sandy nature and far less fertile and valuable for corn and Indico than those Lands which lie remote from the Sea It is of the highest consequence so to proportion and accommodate the good lands to the bad as not only to preserve but invite Inhabitants Such a Boundary therefore as will favour this Equality of Distribution is the most likely to support and bear up this Province in its present vigour and to save it from that decay into which it must hereafter fall by a loss of Inhabitats and a want of fit soil for cultivation 4^{thly} As Pedee and Santee Rivers run thro the very centre of this Province the Inhabitants and Proprietors of Lands upon the upper parts of these Rivers are naturally connected with those

upon the Coast, they have easy and convenient navigation for small Boats to George Town and Land carriage to Charles Town and there they find a ready Market for their Commodities and supply of merchandise It is but reasonable therefore to include them within the Limits and Jurisdiction of South Carolina 5^{thly} As Georgia yet remains in a weak and infant state this Province is in reality the South Frontier of His Majesty's North American Dominions. North Carolina is much more populous with Freemen than South Carolina but this Province far exceeds in the number of Slaves The great disproportion there is between our White Men and Negroes renders us less formidable to a foreign enemy. In case Georgia or any of the Southern parts of this Province shall happen to be invaded then an exertion of our whole strength from every quarter will be absolutely necessary at once to oppose the invader and preserve our Slaves from revolt This double Task cannot be undertaken with any prospect of success without the ready aid of those Inhabitants who are settled upon the upper parts of our several Rivers and their Branches nor can this aid be procured in such an exigency unless these Inhabitants are subject to the immediate authority of this Government and within the influence of our Militia Law 6^{thly} The Expences of Government have at all times been much higher here than in North Carolina. Our Taxes have been enlarged not only by means of common and ordinary Provincial Charges but by reason of our attachment to the Colony of Georgia whose Interest has ever been the object of our attention and also by reason of our connection with all the surrounding Tribes of Indians particularly the Creeks, Chickesaws, Cherokees and Catawbas. It is true that His Majesty has been graciously pleased of His Royal Bounty to lessen our Indian Expences for presents which with great gratitude we acknowledge yet still do they compose a large article in our annual Estimates We raise them with cheerfulness and it is with real pleasure we can say that within these few years in obedience to His Majesty's command we have compleated Fort Prince George at Kewokee in the Lower and Fort Loudoun at Tannisee in the Upper Cherokee Country. These considerations while they furnish us with a claim to the contribution of our numerous Back Settlers in aid of Taxes so also they in some degree point out the expediency of granting to this Province such a North Boundary as will include within it those

Parts of the Cherokee Country where the said Forts are erected. 7^{thly} These different Tribes of Indians have always used this Government as the Medium between His Majesty and them, here they offer their complaints renew their Treaties give Intelligence and negotiate all that concerns them. By long usage we have become thoroughly informed of their various Policy their connections inclinations and dependencies and are acquainted with most of their affairs wether foreign or domestic. It may prove a dangerous experiment to divert this long established communication between them and us into a different channel by throwing their Lands and Forts within the Bounds of another Government especially in a juncture so critical as the present when the French are practising every Act in their Power to seduce them from our Interest We are hopeful that the Peace and Union which we have maintained and preserved with these expensive yet important Allies for these forty years past and upwards even in these times of danger will not only hold the conduct of this Government approved to His Majesty but will have a proper weight in determining the Limits and Extent of South Carolina.

1763.

[B. P. R. O. S^o CAROLINA B. T. VOL: 29. P. 185.]

To the Right Hon^{ble} the Lords of the Committee of His Majesty's most Hon^{ble} Privy Council for Plantation Affairs.

MY LORDS,

Pursuant to your Lordships Order dated the 12th instant we have prepared Draughts of Instructions to the Governors of North and South Carolina signifying to them His Majesty's Pleasure concerning the immediate Establishment of a temporary Line of Jurisdiction between the said Provinces and we beg leave herewith to lay the said Draughts before your Lordships.

We are
my Lords &c:
C. TOWNSHEND.
SOAME JENYNS.
E^d BACON.
EDMOND THOMAS.
GEO: RICE.
CROWELL.

Whitehall March 29th 1763.

(p. 186.)

Instruction to Our Trusty and Wellbeloved Thomas Boone Esq^{re} our Captain General and Governor in Chief in and over Our Province of South Carolina in America or in his Absence to the Lieutenant Governor President of our Council or Commander in Chief of our said Province for the time being— Given at our Court at St James's the day of 1763. in the third year of our Reign.

Whereas it hath been represented to us that great disputes have arisen and much mischief and confusion are likely to ensue amongst our subjects on the Frontiers of our Provinces of North and South Carolina from the want of a certain known Line of Jurisdiction between the said Provinces. In order therefore to prevent all further disputes of the like nature and to preserve the Peace and Tranquility of both our said Provinces until a perpetual Line of Partition between them shall be finally determined by us We have thought fit hereby to signify to you our Will and Pleasure that the Line already agreed upon begun and in part set out by Commissioners appointed by both the said Provinces in the year 1735. in consequence of His Majesty's late Instructions to Gabriel Johnston Esq^{re} then Governor of North Carolina shall be the temporary Line of Jurisdiction between our said Provinces of North Carolina and South and in case it shall appear that the said Line has not been marked out by the said Commissioners so far North as the Thirty-fifth degree of North Latitude you are hereby authorized and required to appoint Commissioners to proceed jointly with comm^{rs} to be appointed by our Governor of North Carolina in continuing the said Line in the same direction in which it has hitherto proceeded to the said Thirty fifth degree of North Latitude and from thence due West until it meets the Eastern Limits of the Lands claimed by the Catawba Indians. And it is our express Will and Pleasure that no Settlement whatsoever be made nor the Jurisdiction of either Province exercised upon the Lands claimed by the said Indians until the said claims shall be finally adjusted. And our further Will and Pleasure is that the Forts which have been erected by either of our said Provinces to the Westwards of the said Lands so claimed by the Catawbias shall be deemed to belong to and continue to be maintained by that Province at the expence of which they were erected and have hitherto been supported—

[B. P. R. O. AMERICA & WEST INDIES. VOL: 105. P. 449.]

At the Court at St James's the 30th day of March 1763.
Present.

The King's most Excellent Majesty in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation affairs humbly offering to His Majesty for His approbation Two Draughts of Instructions prepared by the Lords Commissioners for Trade and Plantations for the Governors of North and South Carolina signifying to them His Majesty's Pleasure concerning the immediate Establishment of a Temporary Line of Jurisdiction between the said Provinces—His Majesty this day took the said Report and Draughts of Instructions into Consideration and was pleased with the advice of His Privy Council to approve of the said Draughts of Instructions (which are hereunto annexed) and to order as it is hereby ordered that the Right Honourable the Earl of Egremont One of His Majesty's principal Secretaries of State do cause the same to be prepared for His Majesty's Royal Signature.

W. SHARPE.

[B. P. R. O. AM: & W. IND: VOL: 77.]

Circular Letter

Whitehall 21st May 1763.

SIR,

I send you inclosed a Petition of Cap: John Dairymple Commander of Fort Johnston in North Carolina complaining of having been put under Arrest by Governor Dobbs and being still a close Prisoner in North Carolina under pretence of his having gone to England without His, the Governor's leave tho' he had obtained that of the Commander in Chief of His Majesty's Forces in North America, I am therefore to desire that you will be pleased to make the necessary enquiry into the state of this matter and in case it shall appear to you that Cap: Dairymple's conduct has not been irregular you will take any measures you shall judge proper to obtain all due redress for him, and you will let me know for His Majesty's Information what you shall have done in this matter.

I am &c

EGREMONT.

To the King's most excellent Majesty.

The most humble Petition of John Dalrymple Esq^{re} Captain and Commander of His Majesty's Fort Johnston in North Carolina. Humbly sheweth,

That the Petitioner having served upwards of Thirty years as an Officer in your Majesty's Army was appointed Captain and Commander of Fort Johnston by General Braddock.

That some time after he obtained Leave from the Commander of your Majesty's Forces in America to return to England. And from your Majesty's most gracious favor had a new Commission for the said Fort dated Oct: 27th 1760.

That on the Petitioner's return to take the command he waited on Governor Dobbs who with many circumstances of severity put the Petitioner under Arrest and confined him in an open Barrack, with Centinels over him under pretence of his having gone to England without his leave altho he had superceded him before he went to England and appointed another in his place.

That your Petitioner still continues a close Prisoner the Governor refusing to release him except he will give it under his hand that he has been disobedient to order and broke the Articles of War.

Under these unhappy circumstances your Petitioner humbly throws himself at your Majesty's Feet begging your Majesty will be most graciously pleased to take his case into consideration and order such redress as your Majesty's sees meet

And the Petitioner shall ever pray

[B. P. R. O. AM: & W. IND VOL: 105.]

At the Court at S^t James's the 31st day of August 1763.

Present.

The King's most Excellent Majesty in Council.

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 4th of this Instant setting forth that John Swan and John Dawson Esq^{res} two of His Majesty's Council in the Province of North Carolina are dead and that William Dry and Robert Palmer Esq^{res} have been

recommended to them as Persons every way qualified to serve His Majesty in that station, they therefore propose that they may be appointed of His Majesty's Council in the said Province in the room of the said John Swan and John Dawson Esq^{res}—deceased—His Majesty in Council approving thereof is pleased to order, as it is hereby ordered that the said William Dry and Robert Palmer Esq^{res} be constituted and appointed Members of His Majesty's said Council in the Province of North Carolina in the room of the said John Swan and John Dawson Esq^{res} deceased— And that the Right Honourable the Earl of Halifax His Majesty's principal Secretary of State do cause the usual Warrants to be prepared for His Majesty's Royal Signature.

W. SHARPE.

[B. P. R. O. SOUTH CAROLINA B. T. VOL: 20. M. 92.]

Journal of the Proceedings of the Southern Congress at Augusta from the arrival of the several Governors at Charles Town South Carolina the 1st of October to their return to the same Place &^{ca} the 21st November 1763.

Saturday October 1st 1763.

Arrived His Excellency Arthur Dobbs Esq^{re} Governor &^{ca} of North Carolina at Charles Town; And on Monday the 3^d arrived His Honour Francis Fauquier Esq^{re} Lieut; Governor of Virginia; pursuant to Orders they had respectively received from His Majesty signified by His Principal Secretary of State to be present at a Congress appointed to be held by the Southern Governors with the Chickasaw, Chactaw, Creek, Cherokee and Catawba Indians at Augusta or elsewhere.

Tuesday October 4th 1763.

Present

Their Excellencies

GOV^r THO^s BOONE

GOV^r ARTHUR DOBBS

His Hon^r L^t GOV^r FRANCIS FAUQUIER

and JOHN STUART Superintend^t of
Indian Affairs.

It was agreed to give Notice to His Excellency Governor James Wright of the Inconveniences attending a Journey by Land or

Water to Augusta to the respective Governors for the more full explanation of which the Letter referred to is as follows; viz:

SIR,

We take the earliest Opportunity after our being met together to give your Excellency Notice of it and this we look upon to be the more necessary since our conversing upon the subject of the future Congress has occasioned an alteration of the place of meeting. A Change in every respect so much more convenient to Us will, we flatter ourselves, not be otherwise to you, the distance will, we understand be the same and the accommodations no doubt better. It was the Intention of some of us to have gone up Savannah River by Water but the tediousness of that passage has deterred us as the difficulty if not impracticability of conveying ourselves and the necessary conveniences by Land has made us lay aside all Thoughts of this also. The Behaviour of some of the Indians to the King's Subjects and their ill disposition towards one another points out too the Propriety of assembling them at some Place where they will be under a greater Check & Controul than they would be in so stragling and ill settled a Place as Augusta but with regard to the Indians themselves we imagine the alteration will not be disagreeable. They were before apprized that Augusta was pitched upon because the Small Pox was in Carolina. That Disorder having long since ceased will be reason therefore sufficient to assign for the change of Place. The Chactaws, Chickesaws, and Catawbias are not at all likely to make objections. The Cherokees are extremely averse to going to Augusta and if the Creeks should entertain any Jealousy the Superintendant will no doubt be able to convince them that Nothing is intended by the Change of Place but to render the Meeting more commodious to the Governors some of which have already come a great way and will suffer unavoidably by proceeding farther. Captain Stuart will either lodge the Presents at Augusta or order them back again as may appear to him the most proper when he has sounded the Indians on this subject. We should have been glad if Time would have permitted to have known your Sentiments upon this Alteration but the day appointed draws so near that Captain Stuart thinks it proper to

sett off on Thursday in order to be ready to receive such Indians as may arrive.

We are with great regard &c

THO^s BOONE

ARTHUR DOBBS.

FRAN. FAUQUIER.

JOHN STUART.

His Ex: GOV^r WRIGHT.

It was further agreed that M^r Stuart should proceed to Augusta and collect what Indians were there and conduct them to Dorchester.—

Agreed also that from a Representation that the Goods ordered up the River Savannah from the Lowness of it could not possibly arrive there and from a supposition that the Indians might be disgusted at not receiving the Presents in the usual manner and at the usual time the finishing of the Congress it was Agreed and accordingly Ordered that the said Goods should be stopped and ordered to Dorchester.

Resolved that Fenwick Bull be Secretary to the future Congress.

Friday 14th Oct: ^{ber} 1763.

This day ¶ the Scout Boat arrived a Letter from Governor James Wright in answer to that wrote to him of the 4th Inst: &^{ca} and is as follows: viz^t

Savannah in Georgia

8th Oct: ^{ber} 1763.

GENTLEMEN,

I have just received your's of the 4th inst: acquainting me with an intended Alteration of the Place of Meeting to hold the future Congress. The Change if to be in Charles Town is certainly more convenient and agreeable to you and it ever gives me pleasure when in executing any part of my duty I can do it in such manner as may be most agreeable to those concerned. Tho' I must observe that the difficulties thrown in the way I conceive (on a Trial) wou'd not have proved so great as represented or imagined. The Place affords sufficient Houses plenty of Provisions and Accommodations of every kind tho' not so elegant as in Charles Town. As to any particular convenience or Inconvenience to myself I set that

quite out of the question where His Maj^{ty}s service interferes and altho' some very few of the Upper Creeks misbehaved lately yet I am fully persuaded the Meeting at Augusta would have been perfectly safe and all Parties secure from Danger. I wish the Creeks &c^a may be prevailed on to proceed any further than Augusta but doubt very much whether they will. M^r Stuart in his letter to me does not mention the least difficulty or objection made by the Cherokees against Augusta but that they had received his Invitation with the greatest cordiality and joy And I should suppose the Chactaws and Chickesaws would have no objection to a saving of 300. Miles travelling You have omitted to mention the Place only in a Postscript say "The Indians will be ordered down to Dorchester" the time I presume is now uncertain but when you are pleased to inform me of that and the Place I shall certainly attend if Health permits. With respect to any reasons that may be given to the Indians or Directions about the Presents or my Sentiments on the Propriety of the Alteration it's needness of me to give any Opinion on Matters predetermined shall only say that I still think the King's intentions might be more effectually executed at Augusta

I am &c^a

JAMES WRIGHT.

Their Ex:^{cies} Thomas Boone
& Arthur Dobbs Esq^{re}
The Hon^{ble} Francis Fauquier Esq^{re}
& John Stuart Esq^{re}

Which letter being read in the presence of their Ex:^{cies} Thomas Boone and Arthur Dobbs Esq^{re} and the Hon^{ble} Francis Fauquier Esq^{re} the following answer was written, agreed to and dispatched by two opportunities.

Charles Town S^c Carolina 14th Oct:^{ber} 1863.

SIR,

We have this morning been favored with your letter of the 8th inst: upon which we think it just necessary to observe that Augusta its accommodations and security must have been misrepresented to us and besides that the getting there at all with the least degree of convenience to ourselves was scarce possible. Mr. Stuart might have omitted acquainting your Ex^{cy} with the Disinclination of the

Cherokees to meet at Augusta in consequence of two of their nation being killed by the Creeks but they expressed it strongly to him, Proposed Saludy Old Town for the Congress and determined to wait on the Path in hopes of an alteration of Place. We are in great hopes that the late outrages committed by the Upper Creeks are not the acts of the Nation in General but if the generality were well inclined they would either prevent or punish such frequent Repetitions of Insolence and Murder. A letter of the 4th Instant which Gov^r Boone has received from Augusta says that none of the Upper Creeks will be there at the Congress. If this was their Resolution before the Place of Meeting was changed it looks as if they could not hope that their offences would be forgiven them: with regard to the Choctaws and Chickasaws, they are already on their Route; We all know that 2. or 300 Miles to an Indian when he is in expectation of either Rewards or Revenge and they frequently come that distance uninvited and upon an Incertainty. We before declared how agreeable it would have been to us to have consulted you upon the alteration if Time would have permitted; We now express our hopes that your arrival here or in Dorchester the Place appointed for the Congress will be as soon as possible that everything may be concerted previous to the coming of the Indians and we flatter ourselves that by the assistance we shall be able to give each other the King's Intentions will be executed faithfully effectually and with dispatch. We are with great regards &^o

THO^s BOONE.

ARTHUR DOBBS.

FRAN: FAQUIER.

His Ex^{ty} Gov^r Jas: Wright.

Saturday the 15th Oct^{ber} 1763.

This day a letter arrived by express from His Ex^{ty} James Wright Esq^{re} Gov^r &c^a of Georgia. The underwritten is copy thereof.

Savannah in Georgia 11th October 1763.

GENTLEMEN,

Last night I received a letter sent by express from Augusta, informing me, that the Wolfe King has gone to Pensacola to make some demands relative to the ceded Lands and giving an account

of the Situation of affairs in the Upper Creeks which to say no more I think have not a very pleasing aspect and make me determine to call the Gentlemen of the Council together for their opinion on the present appearance of things amongst the Indians and what may be most proper to be done for His Majesty's Service in general and the safety of this Province in particular in case M^r Stuart cannot prevail on the Creeks to proceed to Dorchester or Charles Town. My last by Joyner I wrote immediately on the Receipt of yours, on a supposition and in hopes that M^r Stuart might prevail with the Creeks to proceed down but on the Receipt of my letter last night I began to reflect more fully on the consequence of their refusing to go any further and the more I reflect on the critical situation of affairs with these Indians the more I am convinced of the danger that in all probability will attend their returning home disgusted. And I very much fear they will not go down to Dorchester. They are not in a situation or humour to follow *Orders* Nay I am apprehensive if they should hear of an Intention to carry them down to Charles Town They will not even come to Augusta. And therefore I have now wrote to Lieut; Barnard and Mr. McGalphin desiring them to give M^r Stuart their best assistance in the Affair. Gentlemen at a distance may not see or consider this matter in the Light it Strikes me And a Creek War may be as little felt in Virginia as the Northern Massacres are in this Province. Our Commiseration is of little service to those who feel and suffer even North and South Carolina would feel little or nothing of a rupture with the Creeks in comparison of this Province I must therefore consider this matter in a more serious Light than you may and it is to be presumed I am better acquainted with their Situation and our own than Gentlemen at a greater distance and His Majesty's Council are unanimously and clearly of opinion that should the Creek Indians refuse to go down to Charles Town and return back from Augusta displeased at this critical conjuncture it might be productive of the worse consequences to His Maj^{ty's} service in general and the safety of this Province in particular. And therefore in order to prevent if possible the dangers that may attend their returning disgusted have advised me in case the Indians refuse to proceed to Charles Town to meet them at Augusta as the best if not the only method to prevent further Misunderstandings with them and to

promote His Maj^{ty}s most gracious Intention and establishing Peace and Friendship with them on a more firm Basis.

This advice entirely coincides with my own opinion and I judge it altogether expedient for me to go up to Augusta to meet them in case they will not proceed to Charles Town and can be prevailed on to wait at Augusta.

I send a Person express to acquaint your Ex^{cies} with this matter. If the Indians, in general go to Charles Town I shall attend the Congress there. If they will not go then it seems absolutely necessary for me to proceed to Augusta where I shall give them a Talk and proceed further with them according as I find them authorized by the Nation or not and as things may be circumstanced in which M^r Stuart may join if he pleases. If this event should happen I doubt not but you will join in opinion that a Proportion of the Presents His Majesty has been graciously pleased to send out on this occasion will be necessary to give them. I have sent an Express to Augusta and wrote to M^r Stuart on the subject. The Bearer has orders to wait a day for any commands you may have.

I am &c^s

JAS: WRIGHT.

Their Ex^{cies} Tho^s Boone &
Arthur Dobbs Esq^r &
The Hon^{ble} Fran: Fauquier Esq^{ro}

And P: M: Horā 4:^{ta} the following answer was sent by the said Express.

Cha^s Town. S^o Carolina October 15th 1763.

SIR,

We are this moment favoured with your Letter of the 11th by Express and after having seriously considered it find no fresh Intelligence than what our Letter of yesterday observed upon nor conceive a difficulty or objection to be started by the Creeks against coming to Dorchester but what may and according to our Information will be urged by the Cherokees against their going to Augusta this in great measure induced us to change the Place appointed. The Superintendant who is supposed to know the disposition of Indians in general and from whom we are supposed to receive the Information regarding them so far from advancing reasons against concurred in the Alteration of Place and we have no

sort of doubt but he will be able to reconcile the Lower Creeks (for the Upper will not come at all) to the Meeting being held at Dorchester especially if you should think it advisable to go to Augusta and give him your assistance as that will effectually prevent any ill designing low People from instilling Jealousies into the Creeks meerly because it may be more beneficial to them to have the Congress at Augusta. You may observe Sir that they are not in a humour to follow Orders but if the Creeks or any after so solemn an Invitation on the part of four Provinces should be either refractory or sulky we cannot think they should be caressed or indulged. On the service we are now ordered by the King it is our Duty and Intention to promote the security and advantage of every Colony concerned nor can this be more effectually done as we conceive than by convincing each Nation of Indians that the four Southern Governors act in concurrence every expression of kindness will then have additional weight and the danger of breaking with us will be evidently greater and this is certainly the spirit of the Kings' Intention we therefore must beg you to exert your Influence with the Creeks that the Congress may as it was intended to be general We have not heard from M^r Stuart since he left this place so that at present we may presume he sees no further objection tho' apprized of all Indian Intelligence We send him a Copy of your Letter that when acquainted with your doubts he may be more attentive to remove every suspicion or umbrage.

We are with great regard &c^a

THOS: BOONE.

ARTHUR DOBBS.

FRAN: FAUQUIER.

At the same time it was agreed to write to John Stuart Esq^{re} and is as follows.

Charles Town 15th Oct:^{ber} 1763.

SIR,

We inclose you a copy of a letter we have wrote this morning in answer to one received from Gov^r Wright which is also sent you the Sight of both will be a clue to you how to conduct yourself in the removing every Umbrage that may have been taken by or given to the Creeks we depend on your using your utmost Influence

in bringing all the invited Indians to the Congress at Dorchester and we have requested M^r Wright to cooperate with you It is a material part of your Duty to discover and prevent the ill effects of private Tamperings & Insinuations thrown out to Indians and to take care as far as you are able that they listen to nothing but what is to be said to them by the Persons appointed by the King You will no doubt set the coming of the two distant Governors in its full light and force and that the sentiments of four Provinces will be upon this occasion communicated to them publicly solemnly and in presence of one another that every Nation may be apprized of the King's gracious Intention towards them.

We are, Sir,

Your most humble serv^{ts}

THOS: BOONE.

ARTHUR DOBBS

FRAN: FAUQUIER.

John Stuart Esq^{re}
Superintendent of
Southern Indian affairs
at Augusta.

Wednesday 18th Oct: 1763.

Yesterday in the evening arrived an Express from John Stuart Esq^{re} superintendent &c: with the following letter &c: &c:

Fort Augusta 15. Oct: 1763.

SIR

I got to this Fort the 11th current where I found no other Indians than about sixty Catawbas including Women and Children who had been here about two days before my arrival on the 13th in the morning I received a letter by express from Lieutenant Taylor dated the 10th referring me to the intelligence contained in the inclosed letter to your Excellency and which I imagine contains full Accounts of what passes in that Nation I likewise send a Duplicate of the Talk sent here from the Lower Creeks by the Messenger of whom M^r Campbell wrote you with Lieutenant Barnard's answer by which your Excellency and the other governors will be able to judge of their Temper and which gave me bad hopes of success in endeavouring to persuade them to go further.

Yesterday in the morning the Upper Creek Warrior Mustisiqua with the second man of the Tuquabachies and a number of their followers came here with them were the Leader of the Chickasaws Paya Matta one considerable leading man of the Chactaw Nation called Red Shoes and about Twenty Chickasaws of Note and their Followers Colbert who had arrived some days before them informed me that his reception in the Chactaw Nation had been most friendly that many of the most considerable amongst them had determined to accompany him down but upon receiving news that two of their people were killed by the Creeks none thought proper to venture except this Red Shoes Colbert adds that the Treatment which he and the Chickasaws received in their way through the Creek Nation was extremely insolent and had made those Indians extremely anxious to return home Accordingly they pressed me much to dispatch them I invited them to come to the Fort this day with the Catawbias and Creeks I acquainted them with the alteration of the Place of Meeting proposed and the reasons for it The Chickasaw Leader said he had come a great way upon my invitation and found himself disappointed that he was too much tired to go any further and should return without taking anything amiss as such accidents were often not to be avoided that he was [glad] he had seen me and when ever he should promise me anything I might depend upon meeting with no disappointment. The next who spoke was the second man of the Creeks who said that he had come punctually at the time and to the place of appointment and expected to have seen the Governors that it was their hunting season when they should have been in the woods providing for their Families but that their time was taken up in this visit which they should not think lost if I would deliver the King's talk to them and dispatch them immediately that several of their own People had promised to attend the meeting who were not come but that it seemed to be the present prevailing custom for men to speak with two tongues I repeated the reasons for altering the Place of Meeting which I enlarged upon as much as the subject would admit and desired they would let me know after considering the affair maturely whether or not they would go to Dorchester they did not hesitate a moment but positively refused to go one step further I then asked if they would stay here till the return of a messenger I should send to the Governors This with great difficulty the Creeks

were prevailed upon to consent to they have agreed to wait here ten days at the Expiration of which time if they do not see the Governors or receive the King's message from me they are infallibly to go away Lieutenant Barnard sends an Express to Governor Wright who will be unacquainted with what has past about the Time this reaches your Excellency's Hands The Bearer Kalteisen has undertaken to carry this with the greatest dispatch and by him I beg to be favoured with your determination by all the intelligence I can pick up from the Traders the Creeks were never more disposed to a rupture than at this time and as those who are now here and who are supposed to be the best affected to us of any, are so jealous there cannot be any room to hope that others who are hourly expected here will consent to go down to Dorchester. They are conscious of their bad behaviour and (upon Indian principles) do not chose to put themselves any more in our power by going farther into the settlements The Wolfe and a deputation of Leading men are now gone to Pensacola to circumscribe the Limits of the Garrison within such a narrow Compass as will hardly allow them Garden Room. The Chickesaws knew the Determination of the Creeks to go no farther than this Place as all the Indians had received Intimation of the Alteration proposed and had consulted upon it before they spoke with me Pia Matta considered that if the Creeks should return disgusted it would be dangerous for him and his people to remain here and return through their Country after them it was from this consideration that he refused to go down although he has many other objections of seeming weight which however I should have got the better of if this material one had not occurred.

I find it absolutely impracticable to satisfy these Indians now here with allowance of Provisions stipulated by Sir Jeffry Amherst they have always been used to a very different Treatment and such an innovation introduced by me would give a very unfavourable impression of me at my first Entrance on the Execution of my Office besides they would be disgusted and would probably go off which I would by all possible means avoid till I am made acquainted with the determination of yourself and the other Governors it being the general opinion of People here that in such an Event a Creek War would immediately take place and by the Intelligence I can procure I think it probable they are right.

Matters being in this situation I have not sent any directions for the Boats with the Presents to return because that may be done in sufficient time after the return of the Express for them to be at Dorchester if any Congress do take place there. I have the honour of being with the greatest respect.

Sir
your Excellency's
most obedient and most
humble servant
JOHN STUART.

His Excell^y
Tho^s Boone Esq^{re}

Copy of the Lower Creeks Talk alluded to in Mr Stuart's Letter.

Sep^r 16th 1763.

We Headmen of the Lower Creeks have heard bad Talks and are desirous to hear the Truth when we were young Men the Governor of Charles Town always spoke good and friendly to us and told us that the path should be strait and white to the Nation and it is our desire it should so continue and to let the Governors see our good Intentions We Headmen of the Lower Towns will still hold the English fast by the hand It is the Great God above that gave us the knowledge so to do. We have heard a word amongst us which has put us in a Fright and don't know what to do till we hear the truth we were intending down to Augusta till this news came up amongst us for we saw the Great King's Talk and it was a very good one; We all got together to hear it and agreeable to the White Peoples desire we intended to go down, it was not we Lower Towns only that were sent for it was all the English Friends the Upper Towns do not intend to go down and we are afraid that if only the Lower Towns go we might be detained till the Upper Towns came down and thereby might lose our Horses. These three Rivers are all one People and the Upper Towns do not want to go down but we dont throw away the White People's Talk and we desire the Governors to send us word whether we Lower Towns may be dispatched when we go down When the Governors see this Talk they may consider and think that we have some Reason for not coming down at the time appointed it seems you keep your Talk very private but there is nothing to be hid from the Red People there was a Red Man from the Tuckabackers went

down with the White People and when he got to Augusta the White People desired him to go back immediately and he came away according to their desire as he returned back he overtook a Gang of packhorses and kept Company with them to the Oakmulses and a White Man told him several things but whether it be true or not we cannot tell, this Man that brings us this News is an old man and would not tell Lies we have heard that the Governor of Charles Town intends to buy our Lands from us as far as Ogeeche and as high up as Broad River and the Governor of Savannah intends to buy from us as far as the Fort of Alatomaha and the Governor of North Carolina intends to buy as far as the Oconies The Lower People desired this Man not to speak of this to any of the Towns where the number was committed but keep it secret till we heard the Truth and we have sent down a Red Man with the White Man and We desire that the Red Man and the White Man may be paid for their trouble All at present from your Friends.

| | |
|----------------|------------|
| Indian Ellick. | Cusselaws |
| Hoyanny | Chehaws |
| White Cabbin | D° |
| War King | D° |
| Scotch Man | Cusselaws. |

Lieut: Barnard's Talk to Captain Ellick, Hoyanny, White Cabbin, War King, Scotch Man and other Head Men and Warriors of the Lower Creek Towns.

The Talk you sent by Sam^l Thomas and one of your own people I shall forward to the Governors by the first opportunity but as you require an answer forthwith I acquaint you that there is not one word of Truth in what you have heard you have seen the Great King's Talk and say its a good one hold fast by that and you will have nothing to fear the Great King is desirous of making you a happy People and the Governors and Beloved Man who are to meet you at Augusta invite you with all their other Friends and Brothers of the Red People to convince you of his good Intentions and not to ask for your Lands they dont want any of your Lands you see it is the Great King's Talk that you shall keep your Lands and you may rely on his word he never alters.

You'll soon be convinced when you see the Governors and Beloved Man at the Meeting that they only want to brighten the chain of Friendship with their Friends and Brothers the Red People and to give them a few Presents to let them see that the Great King remembers his Red People as well as his White Children.

Continue in your first mind come down and see the Governors they will be here at the time appointed your hearts will be glad and you will return home with joy.

You must not give ear to such Talks they are made by bad designing People the White People will never throw you away but continue your fast friends for ever.

From your Friend &c:

Present.

| | |
|--|---|
| Their Excellencies The Hon ^{ble} | { THOMAS BOONE ARTHUR DOBBS & FRANCIS FAUQUIER. |
|--|---|

M^r Stuart's Letter, Creeks Talk & M^r Barnard's reply being read the following Letter and Talk were agreed on and sent by an express in answer vizt.

Cha^s Town. 18th October 1763.

SIR,

We last night received your Letter of the 15th instant and are sorry you met with any difficulty's in bringing the Indians down to Dorchester from your account we have little reason to suppose that the Congress will be general and if that is the case it cannot be so effectual as was intended but that we may be liable to no blame in spite of the inconveniences which present themselves on every side in spite of the impossibility which Kalteisen represents of getting a Waggon to Augusta We have resolved to set out as soon as possible and give you this information by Express that the Indians now there may wait with less impatience As those with you knew several Nations were to be invited could they think it probable that all would be punctual to the time The Cherokees were not at Fort Prince George the 10th and tho we must wait the return of Colonel Randolph's vessel we apprehend that some Indians will be after us at Augusta For the satisfaction of those

now assembled we inclose a Talk which you will deliver them and use your endeavours to prevail upon them to stay till our arrival but if you cannot succeed we must beg you to let us know by Express that we may not by proceeding to Augusta encounter difficulties and suffer inconvenience to no purpose We hope to set out by Monday at farthest.

And are Sir
your humble servants

THO^o BOONE.

ARTHUR DOBBS.

FRAN: FAUQUIER.

John Stuart Esq^{re}
Superintendant &
at Augusta.

We have detained W^m Kalteisen to conduct us to Augusta.

Copy of the Talk inclosed to M^r Stuart for the Indians at Augusta.

We the Governors to the Great King George of his colonies of South and North Carolina and Virginia entertained hopes of seeing our brothers of the Indian Nations at Dorchester in South Carolina there to brighten the chain of Friendship between the White and Red Men according to the directions we have received from the Great King our Common Father for that purpose which chain we are desirous to hold fast by one end and if you are inclined to lay strong hold on the other nothing hereafter will be able to break a single link of it and our Friendship will last as long as the sun shall shine or the Waters flow and to convince you that our Talk is strait and that we do not talk with double Tongues We are determined to set out to meet you at Augusta since you find the difficulties so great to come so near to Charles Town No difficulties can stop us the Great King's appointed Governors from executing his orders.

We have been informed of the evil News you have heard that the Governors intended to possess your Lands. We take this opportunity to assure you in the King's name that you have been misled by ignorant people who do not know the Great Kings Intention which has been communicated to us his officers. and that no such intention is harboured in the breast of any of us. The Great

King's design in ordering all his Governors to act in concert as one Man and in inviting all the Nations bordering on these Colonies to hear his Talk was directly contrary to what you have heard for we shall there declare that your Lands will not be taken from you. And this is to be done before you all and not in secret that no Nation of Indians may be ignorant of his gracious Intentions and of his fatherly care of the Red as well as the White.

We have sent this Talk previous to our coming but which we shall follow immediately to convince you of our sincerity and to induce you to remain at Augusta till our arrival that the Great King's Orders may be strictly complied with.

THO^s BOONE.

ARTHUR DOBBS.

FRAN: FAUQUIER.

Done at Cha^s T^o S^o Carolina 18th Oct: 1763.

By their Excellencies command.

Fenwicke Bull Se^{cy}

And then the undermentioned Letter was sent by Express to His Excellency Gov^r Wright.

Cha^s T^o S^o Carolina 18th Oct: ^{ber} 1763.

SIR,

Having last night received a Letter from M^r Stuart mentioning the disinclination of the Indians now assembled at Augusta to proceed downwards to Dorchester that nothing may be wanting on our parts to fulfil his Majesty's directions We have agreed to set out for Augusta by Monday at farthest.

And as M^r Stuart informs us that you are apprized by Lieutenant Barnard of the Indians Resolution to come no farther we take it for granted we shall meet you at Augusta.

We are with great regard

Sir your Excellency's

most obedient & most humble servants

THOS: BOONE.

ARTHUR DOBBS.

FRAN: FAUQUIER.

His Excell^{cy}

James Wright Esq^{re}

The Ways and Means to raise supplies to pay Contingencies such as Express &c: &c: being debated and duly considered the following Expedient was approved of as the ensuing Letter will more fully explain viz^t

Cha^s T^o S^o Carolina 18th Oct: 1763.

SIR

We have this day drawn a Bill of Exchange on you for £100 Sterling at 30. days sight in favour of Robert Raper Esq^{re} in consequence of your Letter of the 11th June to Governor Boone regarding the Indian Presents which arrived safe presuming that by this time you are in cash for their amount and that the residue of the money given for this service remains in your hands if we should be mistaken we beg you will present our Bills to the Secretary of State that they may be duly honoured for no other Method is pointed out to us how we should defray the contingencies of this Southern Congress.

We are

Sir

your very humble serv^t

THOS: BOONE

ARTHUR DOBBS.

FRAN: FAUQUIER.

To

M^r Samuel Smith

Merchant in

Cheaton Street. London.

Exch^a £100 St^s.

Cha^s Town 18 Oct: 1763.

SIR,

At thirty days sight pay this first of our Exchange (second and third of the same Tenor and Date not paid) to Robert Raper Esq^{re} or his order the sum of one hundred pounds sterling being for value rec'd of him for the contingencies to the Southern Congress.

We are

Sir

your hon^{ble} serv^{ts}

THOS: BOONE.

ARTHUR DOBBS.

FRAN: FAUQUIER.

To M^r Samuel Smith.

Cheaton Street

London.

Which Bill being ordered to be sold the Secretary Fenwick Bull did sell the same to M^r Raper for £271. Currency the present price of Exchange and the said money was ordered to be vested in the hands of the said Fenwick Bull as Treasurer to enable him to answer contingent demands relative to this Southern Congress and that he be accountable for the same.

Thursday 20th October 1763.

Arrived Col^o Randolph from Georgia in the scout Boat and brought the following letter from His Excellency James Wright Esquire viz^t

Savannah 18th Oct: 1763.

GENTLEMEN,

I had the honour to receive yours of the 14th inst: last night by Col^o Randolph and another this morning by Joyner and had the Indians proceeded down to Dorchester I should have set off immediately for Charles Town in order to have contributed to the utmost of my power every thing that might appear necessary on the occasion but this morning I received Letters from Augusta in which M^r Stuart acquaints me "That after explaining to the Indians the motives that induced the Governors to alter the Place of Meeting he put the question whether or not they would proceed to Dorchester to which both the Chickesaws and Creeks answered flatly in the negative that he then desired to know if they would wait the return of an Express which he would immediately dispatch to the Governors which they also at first refused. But after much persuasion he had prevailed on them to wait the ten days at the Expiration of which time they will undoubtedly go away if none of the Governors get there."

I am therefore to acquaint your Excellencies that agreeable to what I wrote you in my last I shall proceed to Augusta instead of doing myself the pleasure of waiting upon you in Charles Town.

I am with great regard
your Excellencies most obedient
and most humble servant
JAMES WRIGHT.

Their Excellencies

Thos: Boone.

Arthur Dobbs &

the Hon^{ble} Fran^t: Fauquier Esquires.

Fort Augusta 20th Oct : 1763.

GENTLEMEN,

Last night I was honoured with your Excellencies Letter of the 15th current enclosing a copy of Gov^r Wright's letter of the 11th and your Answer and before now Gov^r Boone must have received my letter of the 16th by express in which I fully informed him of my transactions with the Indians and of their absolute refusal to proceed to Dorchester The Lower Creeks and Cherokees will be here this day being only a few miles off. The Upper Creeks of whom a considerable number are here remain firm in their determination to proceed no farther into the Settlements and their resolution will determine the Chickasaws. A regard to your Excellencies convenience induced me to acquiesce in your proposal of altering the place of meeting and to use my utmost endeavours to reconcile the Indians to that measure altho I then expressed a doubt of being able to prevail on the Creeks to proceed further into the Settlements. Having had no intelligence from the Upper Creeks Chactaws and Chickasaws or answer to the invitation I sent them on the part and by order of the King to meet your Excellencies and me upon the special service we have in charge I could not be certain of success and I did not doubt but your Excellencies had resolved on the measures to be pursued by you in case of a disappointment I am conscious of having done my duty by endeavouring to remove their Jealousies and using every argument that occurred to me to induce them to proceed if the Indians be privately tampered with (which I suspect) it must be by the Traders the very Channel thro which I am obliged to converse with them my best endeavours to engage the good offices of the Traders on this occasion have and shall not be wanting but my Influence may possibly be very insufficient for as matters are now situated.

They have nothing either to hope or fear from my authority as superintendent but perhaps M^r Wright's endeavours may be more efficacious and I learn that he is soon expected.

Upon the whole as I shall use all possible means to accomplish what I came about If I fail I hope to be free from censure and blame.

I have the honour of being with the greatest respect
 Gentlemen
 your Excellencies
 most obedient
 humble servant

JOHN STUART.

Their Excellencies

Thos: Boone. Arthur Dobbs

& the Hon^{ble} Fran: Fauquier Esq^{re}

P. S. The Cherokees are just arrived. I am sorry to hear that a Boat with some Presents on board her is sunk in this River. I send down two boats to lighten the rest which are said to be deep loaded which however shall not prevent any Directions you may think fit to send relative to the Presents being complied with.

Fort Augusta 23rd Oct^{ber} 1763.

GENTLEMEN,

On the 21st late at night I had the honour of receiving your Excellencies letter of the 18th inst: I am sorry to acquaint you that my endeavours to carry the Indians to Dorchester have proved unsuccessful the Creeks and Chickesaws will not think of going one step farther of the Upper Creeks there are now here about seventy including some women there will be a few from the Lower Towns of that Nation who are now at M^r Galphins.

Agreeable to your Excellencies desire I went yesterday to the Creek Camp where I convened the Chickesaws Catawbas and the Chactaw King. I delivered to them your Ex^{cy's} Talk and having waited some time desired to know their answer They told me they had no particular answer to give that they had heard your Talk and should think of it I was surprised at the indifferent dissatisfied behaviour of the Creeks but I soon after discovered the cause the Interpreter came to me in less than an hour after I left them and acquainted me that all the Creeks were setting out on their return home one of their Nation who for many years had resided in the Chickesaw Camp near this Place went to his Countrymen yesterday in the morning and told them that we had determined to take revenge for the late Murders committed by the *Mortars* and that some particular People amongst them were pitched upon as the

Sacrifice ; they were naturally alarmed and would all have gone off without my knowing the reason if the affair had not been made known to us by the Chickesaw Leader. I immediately sent for some of their Head Men who I endeavour to convince that what had been told them was false and desired that the Indians from whom they had received this Information should be brought to the Fort this Forenoon that I may have an opportunity of talking to him before their faces I look for them in less than an hour. The Cherokees are all arrived abo^t Three hundred including Women and Children almost all the Head Men in the Upper and Lower Towns are among them The Great Warrior sends word by the Little Carpenter that the Creeks have bad Intentions and that his Presence at home is absolutely necessary to prevent his young men from going to War against them that this is the true cause of his not being here and not any Jealousy or Doubt of his personal safety.

The Indians being perpetually going and coming I cannot be exact as to Numbers but think there are 500. or more including the Lower Chickesaws.

If your Ex^{cy}s have any particular commands I shall with the greatest chearfulness execute them being with the greatest respect

Gentlemen

your Ex^{cy}s

most ob^t and most

hum^{ble} servant

JOHN STUART.

Their Ex^{cy}s Tho :

Boone Arthur

Dobbs and the Hon^{ble}

Fran : Fauquier Esq^{rs}

Copy of M^r Colberts Journal as inclos'd in the Superintendant's Letter to the Gov^{rs} viz^t

Augusta 13th July 1763.

I set out with an Express to the Upper Creeks Chactaws and Chickasaws.

19th I arrived in the Okehoys and called all the Head Men of the Upper Creeks together and was well treated there by pointing their Guns at me.

23rd I set out from the Chactaw Nation on the way I met with M^r John Buckles & three Chactaws one of which went back with me.

29th I arrived in the Chactaw Nation and on my arrival I called all the Headmen of the Chactaws together and there delivered my message. But none of the Headmen of the French party would come to hear it: The Talk was very agreeable to them of the English Party and they all with one consent agreed to come down.

Augst the 3rd I arrived in the Chickasaw Nation (Two days before my arrival there) there came a Chactaw Fellow from the Brud Camp giving an acco^t that the Creeks had killed the Chactaw that went to the Brud Camp with M^r Buckles and that he the same Fellow narrowly made his escape. Four Chickasaws that had been at War and having strayed from the rest of their gang came on a Camp of People and killed three French men and two English women and took a Negro Boy alive.

5th I had Talk with the Headman of the Chickasaws and they were all agreed thereto

12th A Runner came to me from the Chactaws and acquainted me that none of them would go down on account of the Creeks being at War with them.

13th This day I sent a Runner back and on the 22^d I received an answer that none of them would go down by reason of the Creeks killing one of their People and threatening destruction to them all and that if they should go down it might be a detriment to their Brethren the Chickasaws for which reason they referred it and concluded to go to war to take satisfaction for the man they lost.

25th News came from the Creeks that three White Men were killed and all their Goods taken and that the Mortar threatened to Kill every White Man that should come up to the Chickasaw Nation.

28th A Headman came from the Chactaws and desired the Chickasaws to act for them as they would for themselves and the Chactaws would stand to everything or proposal the same as if they themselves were present.

30th The Chickasaws held a Council whether it was proper for them to go down or no, and after five days deliberation they con-

cluded to go down and pitched on the 7th day of Sep^{ber} for their setting off.

Sept 17th I arrived at the Brud Camp and there met with very bad Talks hearing of the Creeks threatening to kill the Chickasaws.

23rd I set out from the Brud Camp.

25th I arrived in the Waukakoes with the Chickasaws and was well treated there.

29th I arrived in the Ockehoys with the Chickasaws and there I invited the Ockehoy King down. All the reason he had for his not coming was that the Governor would not send him a Negro Boy to mind his Stock while he came to see the Governor.

27th The Chickasaws had a Talk in Ockehoy Square giving very good talks and the Ockehoy King told the Chickesaws that if it was good talk that the Governors gave below it would be better times than ever has been. But if bad talks he would not cut his Land in pieces and give it away to the White People for nothing.

Wednesday 2^d Nov. 1763.

Arrived at Fort Moore on Savannah River in the Province of South Carolina their Excellencies Thomas Boone, Arthur Dobbs and the Hon^{ble} Fran: Fauquier Esq^{rs} &c: &c: &c: from Charles Town when their Excellencies sent over to Augusta to His Excellency Governor Wright to inform him of their arrival and that they proposed to meet him the next day at the King's Fort Augusta at 10 o'clock in the morning to proceed to Business.

And His Excellency Governor Wright by return of the said Messenger informed their Excellencies of his readiness to meet them agreeable to their Proposal.

Augusta in Georgia. Nov. 3^d Hora 10.

| | | |
|----------------------------------|---|-------------------------|
| Present Their Ex ^{cy's} | { | James Wrigh. |
| | { | Arthur Dobbs. |
| | { | Tho ^s Boone. |

The Hon^{ble} Fran: Fauquier Esq^{rs}

With John Stuart Esq^r Superintendant &c of Southern Indian affairs.

When a Talk was prepared agreed on and ordered to be engrossed and the several Instructors were ordered to inform the respective Indians that the Congress would be opened the next day being Friday the 4th at 10 o'clock in the morning.

And at which time the Governors attended to give their Talk but the Upper Creeks having a desire to consult the Lower Creeks requested that it might be postponed till Saturday the 5th at the same hour and place.

Which delay however extraordinary, as they were only to hear, they were notwithstanding gratified in.

MEETING OF THE GOVERNORS.

Augusta 5th Nov^r 1763.

Present Their Exc^{ys} { James Wright
Arthur Dobbs.
Tho^s Boone

The Hon^{ble} { Fran: Fauquier &
John Stuart Esq^{rs}

Chickesaws. Hopoymatchah, Poucherimatahah, Houpastubah Piamatta, Hopoyamingo, Hourahtimatahoh, Hopayamingo, Jockeys son & 20 more warriors &^c

Chactaws. Red Shoes & Shapahomah

Creeks { Cap^t Ellick, Sampiafi, Boheteher, Sawseekaw,
Upper & Lower { Boysoneoha, Hillabasunaga, Firmieho, Poy-
hucher, Poyhuchy & their Followers.

Over Hills { Attakullakulla, Ostinakow Prince of Choti, Wil-
lenowaw, Ontori, Shiagusti of shote moitey
Fiftoi of Hiowee, The Wolfe Hookonata, Mankiller
of Hoowee, Good Warriors of Estatoi, Young War-
rior of Estatoi, the Warrior of Tuxoi &^c

Middle Sett^{ls}: Will: Headman of Wattogah &^c

Catawbas Col^o Ayres & his Followers.

Total number of Indians about 700.

Interpreters. James Colbert for the Chickesaws & Chactaws.

James Butler.
James Beamer & { For the Cherokees
John Watts }
Stephen Forrest { for the Creeks
& John Proctor }

And they being sworn Col^o Ayres the Catawba Chief was allowed to interpret for his nation.

The Conference was opened by Gov^r Wright in consequence of its being in his own Province. He observed to the Indians that the day was fair and hoped that the Talks would not prove otherwise That the several Governors had pitched upon Cap^t Stuart to deliver their sentiments that they were agreed upon the declarations to be made to the Indians and desired them to pay attention to what M^r Stuart uttered as they were the words of all the Governors And each respective Governor for himself desired the Indians to look upon what M^r Stuart said as said by the respective Governor himself M^r Stuart accordingly begun as follows

Friends and Brothers,

We are come here in the name and by the command of the Great King George who under God the Master and Giver of Breath is your and our Common Father and Protector.

The Talk you are now to hear is from the Great King and ordered to be delivered to you by four Governors of different Provinces and the Superintendant who is equally connected with all for this reason he is pitched upon to be our mouth.

Our words our hearts our intentions are the same. As our respective Provinces join together so are our interests inseparable.

No Conference was ever intended to be more general none more friendly.

This is not a partial Meeting of one Nation of Indians with one Governor but the Great Kings good disposition towards his red children is to be communicated to you in the presence of one another.

His goodness is as extensive as the Dominions he possesses . At a time when he has nothing to apprehend from any enemies he opens his arms to receive his red children and he does it the rather at this juncture as he knows the insinuations and Falsehoods which have been formerly circulated among you by the perfidious and cruel French.

We desire you to recollect in how many instances they have misled and deceived you, you will remember their lies and have been the dupes of their promises.

They are never easy unless engaged in mischief themselves or when engaging others. Incapable of supplying your wants they endeavor to detach you from your best and only friends the English.

The great King who wishes to extend the commerce of his subjects to live in Peace and Friendship and relieve the distress of all Mankind bore with uncommon patience the repeated insults and excessive cruelties which the French alone could perpetrate. To cruelty they added Treachery and Perfidy. Fair speeches were in their mouths but mischief in their hearts and when they did not act openly themselves they deceived and instigated the Red People to outrages which could only end in separating them from the White People with whom they ought for the advantage of both to be united.

At length when the Great King saw his moderation disregarded his children plundered and destroyed and that the French were resolved to contend with him for superiority that one Country in short could not hold them both he then exerted himself like a man and in a short time defeated and humbled that perfidious enemy and also the Spaniards who by the fatal and mischievous Practices of the French had been involved in the quarrel.

The King has now given Peace to both nations and to prevent the revival of such disturbances and troubles by repetition of such dangerous proceedings and for this purpose only he insisted in the Treaty of Peace that the French and Spaniards should be removed beyond the River Mississippi that the Indians and White People may hereafter live in Peace and brotherly Friendship together.

It will be your Faults if this does not happen for we are authorized by the Great King to give you the most substantial Proofs of our good intentions and desire to live like Brothers with you.

If you bring the same Friendly disposition what can you desire more than the repetition of the assurances already given you by the King's orders with regard to your Lands which we now from our hearts confirm.

Do we not act like Friends & Brothers when we declare that all past offences shall be buried in oblivion and forgiveness & this we do because we are persuaded that the French imposed on your credulity & deceived you.

Do you wish for anything more than to be plentifully supplied with goods by the White People who alone can supply you this we promise you but it must also depend on yourselves for those Nations where Traders reside must provide for their security or no man will stay with them.

Besides this we engage as far as we can for ourselves and those under our controule to manifest an attention to your Interests and a readiness to do you justice upon all occasions.

Lastly we promise you faithfully and solemnly that those Forts now ceded to us by the French shall be employed for your Protection assistance and convenience and for the better carrying on Trade with you by which we all shall be benefitted.

Consider now likewise men whether this is the language of ill designing people whether there is any occasion at this time to make you such friendly assurances unless it was our intention to keep our words.

The White People value themselves on speaking Truth but to give still greater weight to what we say the Great King has thought proper as we observed before that his four Governors and the Superintendant from a great distance should utter the same words at the same time and to remove every Umbrage or Jealousy that you should all hear them in Presence of one another in case we should ever hereafter act contrary to our declarations.

JAMES WRIGHT.

ARTHUR DOBBS.

THO^r BOONE.

FRAN: FAUQUIER.

JOHN STUART.

Given at Fort
Augusta in the
Province of Georgia
5th Nov: 1763, by
order of their Ex^{cs}.
Fenwicke Bull, Sec^y.

His Ex^{cy} James Wright informed the other Governors that if their Secretary Fenwicke Bull was in want of an assistant to copy Talks or any business relative to the congress he had with him an able Gentleman M^r Box Secretary for Indian Affairs in his Province of Georgia and he was for the sake of dispatch employed accordingly.

And then the Congress was adjourned to Monday the 7th of Nov: ^{ber} Hora 11^{ma} at which time the Indians promised to give their Talks.

The Talks of the Chickesaw, Upper & Lower Creeks Chactaw Cherokee & Catawba Indians to their

Excellencies { James Wright } Esq^{rs} Gov^{rs} of { Georgia
 Arthur Dobbs } N^o Carolina
 Thomas Boone } S^o Carolina

The Hon^{ble} Fran: Fauquier Esq^{re} Lient: Gov^r of Virginia and John Stuart Esq^{re} Agent and Superintendant of Southern Indian Affairs at Fort Augusta the 7th & Tuesday the 8th November 1763.

James Colbert Interpreter for the Chickesaws. Pia Matta a Chickesaw Leader delivered himself to the following effect: That he had been a long time and would give his Talk first and then give leave to the Creeks That the day was at length come on which he hoped to see his dearly beloved Brother of Charles Town and also the other Governors And now the day has come he will give his Talk that he is come to return thanks for the services already done them and says that if it had not been for the assistance of their Excellencies he should not have been here at this time He was the man that sent Express when in want of things and is ready to give any Proofs of his attachment to the English you must not look on him as on other Indian Nations for he is true and trusty He and his are few but faithful that he has no fault to find as none have been found with them That we of late heard of no Mischief being done by the Chickesaw that he looks on the White People and them as one That they are as good Friends as if they had sucked one breast Altho his skin is not white his heart is so and as much so as any White man—He has now done on that subject and will proceed to something else.

He wants not to imitate other Indian nations and declares he cannot do without the White People and that he believes it is the same case with all the Red People he cannot find out the reason why other People are not as he is he leaves it to the Governors to find it yet he will give his sentiments viz^t He and every one with him are of opinion that so many White men being among the Indians as Traders is the occasion thereof and he thinks in time it may be his case to act like other Red People the great number of Traders create disturbances between the Red and the White People He has a very great regard for the White People but they have not for one another. This is from his heart and he hopes to be believed The young People may become outrageous and mischief be done because

the Traders will not stay in one place and before he can interpose harm may happen he hopes not to be doubted as to the Truth He therefore desires that the Head men may be asked & they will confirm what he says He never saw either of the Governors yet was always in their Interest as having heard well of them and is willing to convince them in any shape. He has now given his Talk and would be glad of an answer.

Which request being considered he was desired to proceed and he should have an answer to the whole at once He then went on as follows viz^t Many White People go through his Towns to trade with the Chactaws He wou'd not have the whole stopped the number only lessened And upon his being asked what number would be sufficient to supply his own Towns He replied High Rider and John Brown were enough and he desired no more.

Pouchymatyhad the second Man of the Chickesaws then said it is not out of any Ill will to other Traders but that the two above mentioned have always been with them He is heartily glad to see his Brothers here in good health and that he only reminded his brother Pia Matta relative to the above two Traders.

Creeks talk. Stephen Forrest Interpreter. Captain Ellick for the Upper and Lower Creeks delivered himself thus: He^e is glad to see you all here and having received a good talk will now give his viz^t

It is not his own speech but of the whole nation put into his mouth by them the Talk is much the same as formerly given there is no need of variation all the Headmen Upper and Lower have given their Talk and heard that of the Governors with satisfaction and as for the Absentees of the Creeks they have sent word they will abide by the Proceedings of those Present.

Formerly they had a good Talk from the great King George and such shall always remain with them that the Lower Towns were always well inclined and as for the White People he desires they may remain quiet amongst them.

Telletcher the second Creek then declared that the Red People were formerly ignorant but God Almighty and the King of England had made them otherwise, and proposed that the Lands above the Rocks should remain unsettled and that the Line between the White People and the Indians hunting grounds should run from the Rocks down to Savannah River and the other way from the said

Rock to Mr Galphin's Cow Pen from thence to the Lower Ford on Ogeechee River near the Settlement of one Lambert and from thence to cross to Santa Sevilla to the Alatomaha River.

Little River by no means to be settled but from thence..... He talks nothing but good Talks and hopes none others will That the Children in the Place described may grow up and flourish. The White People may settle the inside of the River St Johns to Augustine.

St Johns (a Marsh) the Spaniards only possessed the English must not exceed the same Bounds as from thence is their Hunting Grounds he has described the Bounds of the Lands to the White People and hopes they will make no Encroachments upon them.

And then Cap^t Ellick said that the Lands he was settled upon were run out and as the Governor of Georgia knew nothing of it he desires to know from the four Governors the Reasons of it.

Then Telletsher said that no settlements should be made by the White People at Pensacola but within the ebbing and flowing of the Tide.

Mobile to be settled in the same manner the Tide to determine the Line.

The path shall be kept open to the traders that are peaceable of the Brud (or Chickesaw) Nation he is very glad to see the Governors and gives a good Talk and hopes it will be received as such.

Sampiaffi or Fool Harry then said as the Governors had heard the rest of his Nation he hoped they would hear him and then desired them not to suffer any People to trade in the woods but to go into the Towns to Trade no Rum to be sold to the Indians in the woods because the young People there got drunk and disposed of their Skins for that Commodity and so were unable to pay their Debts to the Traders in the Nation which frequently occasioned Quarrels and Mischief among them. He speaks boldly before the Whites and Red and that the Reds often send Runners for Rum which he desires may be prevented and if the Governors will not forewarn the White People he will not kill them but he will take all they have from them and ask if they are French or Spaniards.

The Young Twin said his Father was a Great Man he behaved well, when he died the White People thought proper to deceive him 8. years since and none but bad Talks have been since then

because he was a boy. A Commission was given him for Peace but as blood has been spilt he desires to return his Commission as he is not minded in the Nation being young thō he gives up his Commission yet he will hold to the White People.

Mico Hatkee a Coweta King informed that his brother died on the Path and that he went to Savannah and Governor Wright gave him a Commission which he produced.

Mustisiqua having declared to the same effect finished the Creeks Talk.

Colbert Interpreter for the Chactaws. Red Shoes the Chactaw Leader declared he was a new friend his Talk is not long and he hopes t'will be accepted. The invitation sent up by the four Governors and the Great King was received chearfully and intended to be complied with by the whole nation but an Accident happened on the path which prevented their coming down He is now come to affirm his attachment he always was faithfull the Peace between him and the Chickesaws and him hath been faithfully Keep. Now he wants his nation to be under the English as well as other Red People and as a proof of his sincerity anything required of their Nation he will to the utmost of his power comply with.

Watts Interpreter for the Cherokees.

Judd's Friend desires he may be listened to this is the day appointed as well by the Great Being above as by the Governors he is now as well with his Red Brothers as the White People and desires the Governors and Captain Stuart may see the Testimonial the Great King George presented to him in England he hath and always will take care of the same (which Testimonial is a Certificate of his having been at the Peace of Williamsburg in Virginia and obtained leave to go home to England in a Man of War was graciously received there and sent back again in a ship of War).

And then the Prince of Choti said now you Governors are all here and Captain Stuart he desires you will all smoke and then he will give his Talk and when they had all smoked with him he proceeded and said now you beloved Men are met together he is a beloved Man as well as you he knows nothing that may happen the Being above only knows, he has a house at Choti where the beloved talks are made and all the Warriors may hear he has made a Path from Choti to the English he hopes nothing will ever spoil it he gave a string a Beads with three knots and said the middle knot

represented Fort Prince George the one end his Town of Choti the other Charles Town and he hopes the Talks and Paths will always be straight the King George has sent a good Talk the Path shall always be kept straight to hear good talks. Then Attakullakulla the little Carpenter observed that it was a great while since he heard the Invitation but he is now come down and will give his Talk. You are all acquainted with his good opinion of King George and there is no need of repetition twas at his own Town he heard this Invitation and he is now come and is glad to see the several Nations. Gave a String of Beads.....and then said the great Warrior had a Talk with him before he came away but he is now gone down the River to look after his people the Great Warrior sent Beads as a Testimony of his Friendship for the White People and good Intentions towards them. Gives the Warrior's Beads. Choti is the beloved Town and there is none but good Talks he hopes to hear none else He lives at the farthest Towns and all that passes between the Governors and him shall be remembered and the path kept straight this is the day that the Great Being above made for this purpose and that we below know nothing The King sends his Messengers with all necessaries and he hopes will always continue to supply them. Gives a Belt of Wampum some of the young men have been Rogues but tis over and he hopes the Governors will forget it he will endeavour it shall be no more repeated he pities all in distress and will do all in his power to help them. Gives another Belt of Wampum. He hopes you are unanimous he has lost some of his people but as you forgive he will he promises you to make reparation for future Injuries and hopes you will do the same and that there may be no more bad Talks— Gives a String of Beads His Overhills Brothers have sent down a String of Beads with their Talk which shall be a good one.

As we came along many of the Warriors of the Valley were at a loss to know what the Invitation meant and they have sent beads to be informed. He has but one Tongue and hopes that there will be none but good Talks he has lost overhills men and lower Towns yet he hopes the children now will grow up in peace. Gives a String of Beads.

It is very rare at this Town to see any Goods brought amongst them which distresses them much he expects to see Goods brought amongst them that they may purchase with their Skins &c° As his People

are now a hunting if the Traders will come with goods they shall with safety if anything happens twill be supposed to be done by the Northward Indians Enemies to the Cherokees as well as White People.

He is now to beg leave that a Trade may be carried on over the mountains and a price set on the goods some people did come from Virginia but had exorbitant prices and got their Skins almost for nothing they being in distress he took little notice then as he was soon to see you he did not know but that the Governors had given such orders as respected the prices but as he was present before the Governors he wanted the matter cleared up and he (Attakullakulla) gave a Talk to the several Nations of Indians viz^t:

He has now met all the Red People of various Nations and will now give his Talk to them. He has heard a many Lies from the Coersaws and that way but he is now intending to make the Path straight he says the Governors by the Great King's Orders sent for them all together and not to dwell together in enmity but like friends and brothers.

He desires all people here will remove Blocks that may obstruct the Path to and from Choti he says the beloved Headman of Choti sits under a White Flag and wishes to preserve it from Blood and any one who may make it otherwise will be found out He says in the Spring of the year some of his People and Hunting were killed among the Creeks (not by desire of the beloved men) but it will be no more thought on as he hopes they will not be guilty of the like again he or his people bear no ill will to the Southward Indians but the Northward Indians are troublesome when any mischief is done they are always sure to find out who they are as a little bird always tells from the top of a Tree. He has no more to say but promises to Keep clean his Path in future and hopes they will do the same.

Gave a String of Beads.

The Prince of Choti presented a pipe and some Tobacco as a Testimony of Friendship between the Cherokees and White People.

Captain Ellick (a Creek) mentioned the frequent stealing of horses by both the Creeks and White People and proposed the preventing it for the future.

Col^o Ayres chief of the Catawbias said (in English) he always minds the White People the King George's Talk and four Governors are all good, to day all the people meet here, he hears all the Red people and the White right well and they Talk good (Gives a String of Beads) these are white beads all none black all for King George and the four Governors they all send a Talk a good Talk to the Red People he and his People are as White Men and is well pleased with what he has heard he did and will keep it to his heart he goes to sleep and rises but never loses the Talk of the White People The Catawbias and he are all of one mind. All the Indians that are now good their children should be suffered to grow up he has very little to say he lives among the White People and came to hear the Talks of Others he holds fast his commission receives none from the French and in consequence of his commission from his Brethren the White People he came to hear the Talks of others.

He informed the Governors his Land was spoilt he had lost a great deal both by scarcity of Buffalos and Deer they have spoiled him 100. Miles every way and never paid him his hunting Lands formerly extended to Pedee Broad River &c but now is driven quite to the Catawba Nation if he could kill any deer he would carry the meat to his Family and the skins to the White People but no Deer are now to be had he wants 15. miles on each side his Town free from any encroachments of the white People who will not suffer him to cut Trees to build withal but keep all to themselves.

After having finished his Talk to the Governors he presented Strings of White Beads to each of the Nations of Indians in which he desired them to observe there was not one black one amongst them and that he presented them as tokens of the Friendship he professed for them all and which he desired might continue.

Augusta. Tuesday 8th Nov^r 1763.

Present Their Excellencies the Governors Superintendant Interpreters Indians &^{ca} as at the Congress yesterday The Reply to the Indians requiring more time than was expected the Governors informed them that it should be delivered the next day being the 9th at 11 o'clock in the morning. But in the mean time if any of the Tribes of Indians had any thing to add to their former Talks the Governors were ready to hear them, when Ellick a Creek

Indian (by the Interpreter) said the four Governors here are all belov'd and he is appointed to speak, he saith half of his body is English and half Indian therefore he holds both by the hands the Talk the Governors gave was in writing he cannot write yet his heart is the same in Inclination he now speaks for the Upper Middle and Lower Towns and acknowledges that the King was good in giving such a Talk.

Second Creek added as the King had been so good to forgive and give them a good Talk he is in hopes the children will grow up without interruption on either side there is a Road to Charles Town and the Line of Ogeechee is the Line for the White people to grow between. And then Ellick resumed and said to prevent any further disturbances the Upper Part of the Ogeechee's shall be the hunting grounds beneath that free for the White People. First when this Country was settled Savannah River was the Boundary and any Negro Horse &c that strayed beyond the same was returned as a Gratuity formerly agreed upon. But now the Ogeechee is the Boundary any Negro Horse Cattle &c that exceeds such bounds he declares openly and in the presence of all the Governors he will seize and keep.

They were then reminded that the Gratuity formerly offered for returning such negroes &c subsisted upon which they agreed to comply with the Terms.

Attakullakulla or the little Carpenter, by Watts the Interpreter said many White People are assembled here and he is very glad to see them White People are settled beyond the long Canes they may stay there but must proceed no farther the White People and his are as one and when they meet in hunting good behaviour may be by and between both. The Lands towards Virginia must not be settled nearer the Cherokees than the Southward of New River Hunting is their Trade and they have no other way of getting a living.

Gave a string of Beads.

Now he is before the Governors he desires they will order Traders to his Town there is a plentiful store at Keowee but it is a long way from him and it is very hard work to carry Leather over the Mountains and a long way for the women to fetch any small matter he desires good Traders staid Men, not rioting Fellows who commit disturbances 8. Traders will be sufficient and to have them placed in the Towns.

Gave a String of Beads & Wampum.

He desired to have Traders sent him from Virginia when he was desired to explain whether he did not address the four Governors he replied that one or more Traders might come from each therefore he addressed the four Governors and as King George had ordered him Goods he hoped the Governors would send them accordingly.

He has now done and will be glad to be on his journey home as soon as their Excellencies please to dispatch him.

Salui the young Warrior (Beamer his Interpreter) said he had heard the Talk from the Great King George that the people of his nation had been often to Charles Town to hear Talks he never was therefore he came to see the Governors he never is inclined to be at Meetings but is well pleased with what he has heard and hopes the Governors are also. As the Warriors are now done he will speak and begs to be heard he says some time ago twas cloudy all was darkness but it is now clear and he hopes all will be forgiven and then nothing offensive shall be more repeated The Great King George in Pity hath taken them into favour and as the day is bright and clear he hopes twill ever be so on the Path.

The Warriors who have been in England had a right to speak first but now he informs that his heart is as firm to the English as ever in his Life he sees all around his Friends both Red and White People that the White People of Georgia were the first that gave them goods after the War he now hopes to have a supply from Charles Town there are goods at Keowee plenty but people who live 8 or 10. miles distant and want Trifles find it hard to send or go to Keowee for them. The Lines run out between the English and them he is satisfied with thō they are small for his People.

The White People settled at or near Long Canes he desires not to remove but none more to settle nearer the Cherokees.

After reminding again concerning the Traders he declared he had finished his Talk. And gave a String of Beads.

Augusta 9th Nov^r 1763.

At a full Congress of the Governors Superintendant Indians &° the Replys were delivered as follows.

Answer of the several Governors and the Superintendant to Pia Matta the Chickesaw Leaders Talk. (Colbert^c Interpreter)
Friend Brother and Ally

We the several Governors and Superintendant are extremely pleased with the Talk you delivered the day before yesterday as our eldest Brother you began replying and gave an Example to the other Indians your Talk was as straight and as grateful as your conduct has been for these many years we acknowledge your Fidelity we have had repeated Proofs of it and we hope that by this Meeting the chain of Friendship which has long united us will receive additional strength and Brightness.

The words you have uttered are those of a wise and generous man and such as Experience has taught you, you observe that you cannot do without the White People this is most certainly true but it is as certain that by preserving your heart entirely English by making their Enemies your Enemies & their Friends your Friends you have felt no wants whatever. The Great King has liberally supplied you he has convinced you that let his children be ever so remote let seas or mountains separate them that as long as they behave faithfully as you have done they never will be cast off.

You say that the number of Traders which pass through your Country to the Chaataws and the too great number which trade with your People breed disturbances which you may not always be at hand to prevent You now shall have a Reply to both these remarks. By the cession of Mobile to the English the Chaataw Trade will be carried on from thence because it will be more convenient to both English and Indians so that from this time you will have no complaints of that Kind to make Your other request that High Rider and Brown only should traffick among you has been considered by us as your Friends and we are persuaded that some White Man for his own Interest has imposed upon you. You may believe us as the Great King's beloved Men that when the Trade is in few hands the price of Goods is always higher, but if you give a preference to the Traders you have mentioned you are under no obligation to buy Goods of Others if High Rider and Brown are Your Friends deal with them only but they are more likely to continue to use you well when you have other Traders to resort to in case they abuse you. This advice comes from us all and we give it because we esteem and value you. We have nothing further to add but that you may safely rely on the continuance of that friendship and assistance which the Great King has always given you.

To the above they seemed satisfied.

Previous to the answer of the Creeks, Forrest (the Interpreter) being desired to ask Cap^t Ellick on behalf of himself and Brothers if he understood the Line as settled yesterday he answered in the Affirmative Then the Reply was proceeded on viz^t.

Friends and Brothers

In reply to the answer of you—the Creek Indians—to the Great King's Talk the Governors and Superintendant say that your repeated assurances that your hearts and the hearts of your whole people (for whom you speak) are straight and good toward the Great King George and his subjects they receive cordially and that such friendly declarations as these duly observed on your Parts you may depend shall be properly regarded by us who will continue to exercise the King's great Benevolence and Goodness towards you agreeable to his Talk given you at our first Meeting.

The complaint made of straggling People going about the Woods between Augusta and the Creek Country and carrying them and others Things to trade with such Indians as they may meet with when hunting is a mischief which we are sensible of and what we are very desirous of putting a stop to and you may be assured that everything which can be done shall be done in order to prevent such Practices. You have also mentioned that if any Negros run away or Horses or Cattle stray into your Grounds that you will seize upon them and keep them but with respect to these two Points you must recollect and well remember the Treaties and Agreements you have formerly entered into with the White People and that you are not to do any Mischief or Damage to them or take away their property or take any satisfaction yourselves against the White People—But if you think you receive any injury you are to make your Complaint to the Governor of the Province who will always be ready to hear you and do you justice and this is the method you must observe and not attempt to do any Mischief to the White People or take away the Goods and Horses of such as you may find trading in the Woods for that would be contrary to your former Engagements which are still binding and must be observed and kept but you must complain against them to the Governor. And you well remember that by a former Treaty you are allowed a Reward for taking up any Negros that run away from their Masters and you will still be rewarded for

taking up any such. You know it is very difficult to prevent Negros from running away and Cattle and Horses from rambling and it would be unjust in you to claim them as your own for straying into your Lands at the same time you may be assured that the utmost care will be taken to prevent it.

And here we think it necessary to observe that great complaints have been made by the Traders that some of you have stolen their Horses and refuse to deliver them when found in their possession Also by several of the Inhabitants that you wantonly kill their Cattle and that even since the holding of the Congress several Cattle in this Neighborhood have been wantonly shot and the Carcasses left on the spot. If these things be true it is not agreeable to the Friendly Declarations made by you and we expect that nothing more of this sort be done for the future.

We have examined the Commission delivered by Thougulskie (the young twin) and have heard and believe that his Father was a good King and Warrior in the Creek Country and we hope Thougulskie may be so too but we shall not interfere with you in the choice or appointment of your Emperors or Kings but whenever you shall agree amongst yourselves upon the Election or Choice of an Emperor we shall be ready to confirm such choice.

Cap^t Ellick has mentioned a claim to his settlements at Santa Sevilla which he says has been run out as to which the Governors observe that they know of no Survey being made on any Settlement of his that if any such thing has been done it is without their Privity and if the lands are really his nothing that has been done can affect his property thereto but he will continue to enjoy them. You have proposed enlarging and extending the Boundaries or Limits of the Lands to the westward which may be settled by the White People. And this you declare to be in gratitude and return for the great clemency and generosity shown to you by his Majesty and which in his name we agree to accept of so that for the future the Settlements of the White People are to extend up to Savanah River to Little River and back to the Fork of Little River to the end of the South Branch of Bryer Creek and down that Branch to the Lower Creek Path and along Lower Creek Path to the main stream of Ogeechee River and down the main stream of that River just below the Path leading from Mount Pleasant and from thence in a strait Line cross to Santa Sevilla on the Alatomaha River and

from thence to the Southward as far as Georgia extends or may be extended to remain to be regulated agreeable to former Treaties, and His Majesty's Royal Instruction a Copy of which was lately sent to you. And this Matter may be more particularly mentioned and described in the Treaty which we shall propose now to be made between us.

N. B. Upon an explanation of the Boundary Line in the Talk to them, they were again asked if they clearly understood it. To which they all (and the Wolfe King in particular) answered in the affirmative.

And as to what you have mentioned about the Lands to the Southward of Georgia near St Augustine Pensacola and Mobile. These are Matters that the Great King has not empowered us to talk with you about. He has appointed Governors for those countries who will soon come over and be there And we shall acquaint them with what you have said and must leave you to talk with them and settle that matter for we cannot do anything in it.

Reply to Red Shoes the Chactaw Leader—Colbert, Interpreter. Friend and Brother

Your Talk was but short but we are well satisfied with it, we are sorry for any accident which prevented more of your People from complying with the Great King's Invitation As they are not come you must be more carefull to remember what you have heard and relate it to your Nation, you desire to be under the English as the other Red People are Do you behave as well as the faithful Chickesaws your Friends and you will meet with the same Treatment from the English Probably long before you get home plenty of English goods will be in your Nation. In your Transactions with the White People take the Chickesaws for your Pattern they have reaped the advantage of our Friendship and we sincerely hope that your whole nation will embrace the offers of good will which we have made you and that one heart only may be in the bosoms of the White People and the Chactaws

With this Talk Red Shoes was well pleased.

To the Cherokees (Watts Interpreter)
Cherokee Friends & Brothers.

The Governors and Superintendant observe with pleasure the good dispoition with which you are come to this Meeting apparent in your Talks and in your Countenances and the just sense you

shew of the Great King's kind and fatherly Intentions to you and all his Red People and children.

In your answers to the Talk delivered from him you mentioned two Points to each of which you will now receive particular answers.

The first relates to the Trade carried on between the White People and your Towns the other to the Lands on which the White People are settled.

As to the Trade you have Goods sent among you by almost all the Colonies over which we preside but the prices you are inclined to give for Goods are so small that few Traders choose to carry goods into your Towns you must consider that if Traders do not make an advantage of their Goods they will not carry them. You would do the same yourselves.

The Trade of South Carolina stands on another Footing. At the same Time the Path into your Towns was but lately cleared from Blood to preserve it clean to prevent the same Mischiefs from being repeated which had been occasioned by the madness of your young men and the misbehaviour of our Traders a Factory was settled at Keowee and a Trader whom we may depend upon for using you well established there. Plenty of Goods are constantly kept for your supply and the Price as low or lower than any private Trader can afford them This regulation the Province of South Carolina cannot alter because it has been laid before the King. It is in his power and in his alone to make an alteration and until this is done South Carolina has not the Power of Sending Private Traders.

In North Carolina there are no Indian Traders at all either to your Nation or any other.

And as to Virginia the Traders there are free to carry up their Goods or not as they find their advantage there are no Laws to compel them to go or to restrain them from going. Every man carries up his goods as he thinks proper & sets such prices upon them as he judges will answer his Expence in carrying them up into your Towns you are also free to purchase them or not as you approve of the prices set upon them And all we have to add on this subject is that the Government of Virginia sets no Prices on the Goods sent up to you but leaves you and the Traders to agree upon the Price in such manner as is suitable to you both.

We shall now come to the other point relative to Lands you

have complained of Settlements being made on the part of Virginia to the Westward of the new River and desire no further Settlements may be made there—In order to comply strictly with the Great King's Instructions Copies of which you have among you and that we may in no shape deceive you we will explain the state of those Settlements.

By a former Governor and above Twenty years since a large Grant of Lands in that part of the Country was made to one Col^o Patten who under that Grant sold out Parcels of Land to People who settled there. In these Settlements you have acquiesced without complaint to this Time as they are at a great distance from your Country. Another large Grant was also made by the Great King just before the breaking out of the War with the French but those Disturbances prevented many persons settling under that Grant and by the King's late Instructions to the Governor of Virginia no land can be granted even as far as the Eastern Banks of that River and in obedience to that Instruction not a foot has been since granted upon that River so that you have nothing further to apprehend on that account. And we now take this opportunity to confirm you in your Security by assuring you that on the Return of the Governor of Virginia into His Colony all Treaties will be carefully examined and punctually observed and you may depend on strict justice being done to you.

It is possible some Idle person may set down on Lands without any Authority whatever but this you ought not to consider as an Act of the Government which does not nor ever will countenance and protect people settling in that Manner but heartily concur with you in removing them on Complaint made by you to the Governor for that Purpose.

In relation to the Settlements above Long Canes in South Carolina, those Settlements were allowed and agreed to in the Treaty of Peace signed at the close of the last War by Lieut : Gov^r Bull & Attakullakulla between the White People and your Nation.

And then the Interpreters were ordered to inform the several Nations of Indians that the Great King had sent them presents as a Mark of his Esteem for them and that the four Governors & Superintendant should agree in the Distribution and the Superintendant would then deliver them.

To Col^o Ayres and Brothers of the Catawbass.

It gives us great pleasure and satisfaction to find that the good Talk which we gave you from Our Great King and Father of both the Red and White Children is so satisfactory to you as you have always been fast Friends to all his White children so our King and Father holds out his arms to receive and protect you from all your enemies and is very sensible of your constant Love and Friendship for all your White Brothers and you may be assured of his confirming to you all your just claims to your Lands and Hunting Grounds pursuant to the Agreement made between your Nation and his Governor of South Carolina and M^r Atkins his Superintendant of Indian Affairs upon your having a Fort built for your Protection from your Enemies when you deserted your old Towns which was then agreed upon on both sides to be a square of Fifteen Miles to be laid out on both sides of the Catawba River and part of the Line was actually surveyed.

If you stand to your former Agreement your Lands shall be immediately surveyed and marked out for your use but if you do not your claim must be undecided till our Great King's Pleasure is known on the other side the Waters.

The Talks being given to the Indians the Cherokees acknowledge of their own accord that they had claimed more than were their Hunting Grounds and what they now desired was that they might not be molested in hunting as far as the Spring Head of Holstein River.

They desired the Governors to write to M^r Wilkinson at Keowee to send Goods from thence to Estitoy to which t'was replied that the Governors had it not in their power the Great King had ordered it otherwise.

The Catawbass upon appearing satisfied with the Line of 15. Miles square were informed that a new Survey should be made and when the Line was run the People settled within should be removed and no new Warrants granted them or any others to settle within those Limits. Upon which they desired a new Line should be run out immediately.

The Catawbass being asked if they approved Col^o Ayres as their Chief or Emperor answered unanimously Yes. In consequence of such their Declaration the Governor and Superintendant accepted him.

Then the question was put to the respective Chiefs of the several Tribes of Indians whether in consequence of their good Professions towards the English they were inclined to enter into a Treaty of Peace &° in Writing for that Purpose and they all consenting thereto were informed that on the morrow being the 10th of Nov^{br} they were to assemble at the same place at 11 o'clock when such a Treaty should be ready to be signed by the Governors, Superintendant and them.

The Prince of Choti made Overtures of Peace and Friendship to Pia Matta the Chief Chickesaw which being accepted the Prince of Choti gave him a String of White Beads.

The Young Warrior and Tiftoi (Cherokees) had friendly Talks with Mustisiqua and Fool Harry (two Creeks) and give Beads to each of them.

At a Congress held at Augusta in the Province of Georgia on the 10th of Nov: in the year of our Lord God 1763. by their Excellencies

| | | |
|------------------------|-------------------------------|-------------------------|
| James Wright. | } Esq ^{rs} Governors | Georgia |
| Arthur Dobbs. | | N ^o Carolina |
| Tho ^s Boone | | S ^o Carolina |

The Hon^{ble} Francis Fauquier Esq^{re} Lieut: Gov: of Virginia and John Stuart Esq^{re} Agent and Superintendant of Southern Indian Affairs.

A Treaty for the Preservation and continuance of a firm and perfect Peace and Friendship Between His most sacred Majesty George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and the several Indian Chiefs herein named who are authorized by the King's Head Men and Warriors of the Chickesaws Upper and Lower Creeks Chactaws Cherokees and Catawbass for and in behalf of themselves and their several Nations and Tribes

Article 1st

That a Perfect and perpetual Peace and sincere Friendship shall be continued between His Majesty King George the Third and all his subjects and the several Nations and Tribes of Indians herein mentioned that is to say the Chickesaws, Upper and Lower Creeks, Chactaws & Catawbass and each Nation of Indians hereby respectively engages to give the utmost attention to preserve and maintain

Peace and Friendship between their People and the King of Great Britain and his subjects and shall not commit or permit any kind of Hostilities injury or Damage whatever against them from henceforth and from any cause or under any Pretence whatsoever And for laying the strongest and purest foundation for a perfect and perpetual Peace and Friendship His most sacred Majesty has been graciously pleased to pardon and forgive all past offences and injuries And hereby declares there shall be a general Oblivion of all Crimes Offences and Injuries that may have been heretofore committed or done by any of the said Indian Parties.

Art: 2nd

The Subjects of the Great King George and the aforesaid several Nations of Indians shall forever hereafter be looked upon as one People and the several Governors and Superintendant engage that they will encourage Persons to furnish and supply the several Nations and Tribes of Indians aforesaid with all sorts of Goods usually carried amongst them in the manner in which they now are and which will be sufficient to answer all their Wants.

In consideration whereof the Indian Parties on their Part severally engage in the most solemn manner that the Traders and others who may go amongst them shall be perfectly safe and secure in their several persons and Effects and shall not on any account or pretence whatsoever be molested or disturbed whilst in any of the Indian Towns or Nations or on their journey to or from the Nations.

Art: 3^d

The English Governors and Superintendant engage for themselves and their successors as far as they can that they will always give due attention to the Interest of the Indians and will be ready on all Occasions to do them full and ample justice. And the several Indian Parties do expressly promise and engage for themselves severally and for their several Nations and Tribes pursuant to the full Right and Power which they shall have so to do that they will in all cases and upon all occasions do full and ample justice to the English and will use their utmost endeavours to prevent any of their People from giving any disturbance or doing any damage to them in the Settlements or elsewhere as aforesaid either by stealing their Horses killing their Cattle or otherwise or by doing them any

Personal hurt or injury And that if any damage be done as afore-said satisfaction shall be made for the same to the Party injured and that if any Indian or Indians whatever shall hereafter murder or kill a White Man the Offender or Offenders shall without any delay excuse or pretence whatsoever be immediately put to death in a public manner in the Presence of at least two of the English who may be in the Neighborhood where the offence is committed.

And if any White Man shall kill or murder an Indian such White Man shall be tried for the Offence in the same manner as if he had murdered a White Man and if found guilty shall be executed accordingly in the presence of some of the relations of the Indians who may be murdered if they choose to be present.

Art : 4.th

Whereas Doubts and Disputes have frequently happened on account of Encroachments or supposed encroachments committed by the English Inhabitants of Georgia on the lands or hunting grounds reserved and claimed by the Creek Indians for their own use.

Wherefore to prevent any mistakes Doubts or Disputes for the future and in consideration of the great marks of Clemency and Friendship extended to us the said Creek Indians. We the King's Head Men and Warriors of the several Nations and Towns of both Upper and Lower Creeks by Virtue and in Pursuance of the full Right and Power which we now have and are possessed of Have consented and agreed that for the future the Boundary between the English Settlements and our Lands and hunting Grounds shall be known and settled by a Line extending up Savannah River to Little River and back to the Fork of Little River to the Ends of the South Branch of Briar Creek and down that Branch to the Lower Creek Path and along the Lower Creek Path to the Main Stream of Ogeechee River and down the Main Stream of that River just below the Path leading from Mount Pleasant and from thence in a Line cross to Santa Savilla on the Matamaha River and from thence to the Southward as far as Georgia extends or may be extended to remain to be regulated agreeable to former Treaties and His Majesty's Royal Instruction a copy of which was lately sent to you.

And We the Catawba Head Men and Warriors in Confirmation of an Agreement heretofore entered into with the White People

declare that we will remain satisfied with the Tract of Land of Fifteen Miles square a Survey of which by our consent and at our request has been already begun and the respective Governors and Superintendant on their Parts promise and engage that the aforesaid survey shall be compleated and that the Catawbias shall not in any respect be molested by any of the King's subjects within the said Lines but shall be indulged in the usual Manner of hunting Elsewhere.

And we do by these Presents give grant and confirm unto his most sacred Majesty King George the Third all such Lands whatsoever as we the said Creek Indians have at any time heretofore been possessed of or claimed as our hunting grounds which lye between the sea and the River Savannah and the Lines herein before mentioned and described to hold the same unto the Great King George and his successors for ever. And we do fully and absolutely agree that from henceforth the above Lines and Boundary shall be the mark of Division of Lands between the English and Us the Creek Indians notwithstanding any former agreement or boundary to the contrary. And that we will not disturb the English in their Settlements or otherwise within the Lines aforesaid.

In consideration whereof it is agreed on the Part of his Majesty King George that none of His subjects shall settle upon or disturb the Indians in the Grounds or Lands to the Westward of the Lines herein before described and that if any shall presume to do so, then on complaint made to the Indians the party shall be proceeded against for the same and punished according to the Laws of the English.

In Testimony whereof we the underwritten have signed this present Treaty and put to it the Seals of our Arms the day and year above written And the several Kings and Chiefs of the several Nations and Tribes of Indians have also sent their Hands and Seals to the same at the Time and Place aforesaid.

Jas: Wright Governor of Georgia (L.S.)
 Arthur Dobbs Governor of North Carolina (L.S.)
 Tho^s Boone Gov^r of South Carolina (L.S.)
 Fran: Fauquier Lt Gov. of Virginia (L.S.)
 John Stuart Super^t South District (L.S.)
 Ria Matta his () Mark (L.S.) Col^l Ayres's Mark V (L.S.)
 Cap^t Ellick his A Mark (L.S.) Jackson's Mark (L.S.)
 Sampuaff his () Mark (L.S.) Larion's + mark (L.S.)
 Hootlopokatche his H Mark (L.S.) Lceous's Mark (L.S.)
 Nealucuescapquo's () Mark (L.S.) Tipton's Mark E (L.S.)
 Chiba Muos mark S (L.S.) The Wolfes Mark G (L.S.)
 Theras humas to byes Mark J (L.S.) Willaunas's mark (L.S.)
 Attahallakulla's mark (L.S.) Amoytoys mark (L.S.)
 Sullaguns to Chotis mark (L.S.) Chisco Salones mark (L.S.)
 Shyaguns to Custerchas's mark (L.S.) Clothowetars's mark (L.S.)
 Mark L & O

By Command of their

Excellencies. James Wright.
 Arthur Dobbs } Esquires
 Thomas Boone

The Hon^{ble} Fran^{cis} Fauquier A.
 John Stuart Esq^r Superintendent
 Gen^lre Bull Secretary.

The Ratification of Peace and Friendships being signed finished the General Congress at which time the Guns of Fort Augusta were discharged as they were at the opening of the Congress.

The Indians were informed that the Presents would begin to be distributed to them the following day by their Beloved Man the Superintendent to which they appearing satisfied their Excellencies and the Superintendent withdrew into the said Fort of Augusta and ordered the following letter to be engrossed and sent to the Secretary of State viz^t

Augusta in Georgia
10th Nov: ^{ber} 1763.

MY LORD,

In obedience to the King's commands signified to us severally by your Lordship by Letters of the 16th March we have met the different Chiefs of the Chickesaws, Chactaws, Creeks, Cherokees and Catawbas and have used our utmost Endeavours to carry His Majesty's Intentions into Execution.

The Removal of the French and Spaniards from the ceded Places which your Lordships meant the Indians should be apprized of by us they were before acquainted with. This was unavoidable. The dispatching of Invitations to Nations so remote as the Chactaws and Chickesaws necessarily took up a great deal of time their Consultation upon them not much less and their Journey hither still more. However my Lord we do not apprehend that their receiving the above Intelligence from other hands has been detrimental to the King's service. The Chickesaws ever faithful to the British Interest are perfectly satisfied with the change. The Chactaw Leader now in Confederacy with the Chickesaws had before made repeated Offers of declaring against the French provided he was supplied with English Goods and seems well pleased with the Neighborhood of the English whose assistance he had before courted. We have in our reply to him given him reason to expect that by the time he reaches home there will be Traders in his Nation by the way of Mobile and We beg leave to recommend to your Lordship that the Chactaws being supplied with goods from that Quarter as a Measure necessary to confirm them in their present possessions and to render them independent of the Creeks against whom they may be a very useful Check when their supplies are no longer so precarious as they now are by passing through the Creek Country.

The Creeks had been represented to be very ill disposed the murders they had committed were frequent even subsequent to the Receipt of your Lordships Letter since the holding of the Congress thō amply supplied with Provisions they have been accused of wantonly killing the people's Cattle yet their Talks have been more friendly than we expected and their voluntary offer of an augmentation of Boundary of Georgia upon the King's forgiveness of all past Injuries being signified to them supposing their Professions sincere and the Chiefs of consequence enough to act for the

whole Nation which they declare they do is certainly as strong a Proof as they can at present give of their Good Will. It will be necessary however to mention to your Lordship that we have been privately cautioned by the Leader of the Chickesaws against confiding in the Creek professions he says he knows them that nothing done here will be confirmed by the absent Leaders in comparison of whom the present Chiefs are inconsiderable. The Cherokees in their Intelligence have gone still farther but as they seem on the point of a War with the Creeks, their Testimony is to be suspected. Though the Talks will convey to your Lordship our opinions of the different Dispositions of the Indians yet we thought necessary to add thus much and to acquaint your Lordship that the Cherokees seem very Pacific but mortified at the refusal of Traders from South Carolina which the Act now in force there prevents being gratified with. And we beg leave to observe to your Lordship on this Head and that the general Promise of Goods which we have made by the Kings orders to the respective Indians requires such a performance as it is impossible circumstanced as we are to be answerable for we have no coercive Power over Traders.

Your Lordship will pardon us for suggesting that there never was a time more seasonable for the establishing the Commerce with Indians upon a general safe equitable footing and which we are afraid will never be done by respective Provinces.

The Catawbias Boundary as before agreed upon is now confirmed and they are well satisfied with it.

Permit us to refer your Lordship for all further particulars of the Congress to the original Papers which we shall have the honour of transmitting with the utmost dispatch and to hope we have faithfully executed the King's commands and approved ourselves, My Lord

your Lordships
most obedient & most h^{ble} servants
JA : Wright
ARTHUR DOBBS.
THO^s BOONE
FRAN : FAUQUIER
JOHN STUART

To
The Earl of Egremont
His Majesty's principal
Secretary of State
for the Southern
Department. &c &c &c

Then the Secretary being ordered to withdraw Their Excellencies &° were pleased to agree that he should out of the Fund in his hands pay M^r Box the sum of ten pounds ten shillings sterling for assisting Fenwicke Bull their said Secretary at the Congress and that the said Fenwicke Bull should from the same Fund pay himself Fifty two pounds ten shillings sterling as a Gratuity for the executing his Office At the same time ordering him to write a fair Copy with Marginal Notes &° with all possible dispatch after his arrival in Charles Town to be forwarded to the Earl of Egremont His Majesty's principal Secretary of State for the South District &° &° &° &° and also that he procure 50. copies of the same to be printed from the said Fair Journal for the use of the Secretary of State Sir Jeffery Amherst (the four Governors Superintendant &° who attended at the Congress) and that they be also sent to the Northward America Governors and to those of the new ceded places that they may be informed of the proceedings at the said Congress.

Charles Town South Carolina Nov^{ber} 21st 1763.

SIR,

Since we had the pleasure of seeing you Governor Boone has received a Letter from M^r Samuel Smith of London Merchant acquainting him that he had a Ballance in his Hands from the money issued by the Treasury amounting to £354. 2. 11. over and above the costs and damages of the Presents which he was ready to pay to Governor Boone's Order towards the expence of distributing the Presents and contingencies of the Congress We have therefore agreed to draw for the whole to add £47. 10. 0. sterling more to the Gratification of 50. guineas already agreed to be given to M^r Bull in consequence of our thinking that he will have much more trouble than we at first imagined and that it will be necessary he should take a good deal of pains with the Papers to be transmitted to the Secretary of State the Remainder will be deposited in the Hands of the Superintendant to be applied towards the incidental Expences of the Congress. We should have been glad to have had your Concurrence but as this fresh step appears perfectly reasonable to us we have no doubt but it will be equally agreeable to you & are &°

THOS: BOONE
ARTHUR DOBBS.
FRAN: FAUQUIER

His Ex^{ty} James Wright Esq^r

Charles Town S^o Carolina 21st Nov^{ber} 1763.

SIR,

In consequence of your Letter of Advice dated the 10th Augst to His Exc^{ty} Gov^r Boone We have this day drawn Three Bills of Exchange on you for the Ballance viz^t

| | |
|---|------------|
| 1 at 30 Days in favour of the Hon ^{ble} Fran: Fauquier for | 50. |
| 1 at D ^o in favour of } Will ^m Stead for | 100: 0: 0 |
| 1 at D ^o in favour of } | 104: 2: 11 |

sterl: £254: 2: 11

Amounting to Two Hundred Fifty Four Pounds Two Shillings & Eleven Pence Sterling which please to honour. We are &^{co}

THO^s BOONE.

ARTHUR DOBBS

FRAN: FAUQUIER

M^r Samuel Smith

Cateaton Street London.

Fair Copy of the Journal of The Congress at Augusta, transcribed
by

FENWICKE BULL Sec^{ry}

Rec^d Jan^{ry} 26th 1764

[B. P. R. O. S^o : CAROLINA VOL : 20 M. 102.]

Governor Boone to the Lords of Trade & Plantations

Charles Town S^o Carolina

Nov: ^{ber} 24th 1763.

MY LORDS.

In my Letter to your Lordships of the 15th of Sep: ^{ber} I had the honour to acknowledge the receipt of His Majesty's Instructions for the establishing a temporary Line of Jurisdiction between this Province and N^o Carolina I have since by advice of Council agreed with Gov^r Dobbs that two Commissioners on the part of each Province shall be appointed and the line begun to be run the 1st day of March; In the mean^e time to quiet the Settlers I have issued a Proclamation containing the Substance of the King's Instruction and enjoining a forbearance from all sorts of violence and have procured Gov^r Dobb's consent that all process should mutually be stayed and no Warrants of survey issued by either of us I hope my Lords that this conduct of mine will be acceptable to your Lordships and that you will be pleased to recommend that the expence of running the Line be defrayed out of the quit rents and a War-

rant upon the Receiver General sent me for that Purpose to be made use of in case the Province should refuse to provide for the expence which I am apprehensive of and upon a suspicion of which the Gentⁿ of the Council have advised me to make the application to your Lordships The whole expence will be within £300. Sterling. I have the honour to be

My Lords, your Lordshps^s most ob^t & most hum^{ble} servant.

THO : BOONE.

Rec^d Feb^{ry} }
Read July 19th } 1764.

1766.

[B. P. R. O. S^o : CAROLINA B. T. VOL : 21. N. 35.]

[*Extract.*]

Charlestown. June 9. 1766

MY LORDS

I had the honor to acquaint your Lordships some time ago that I had ordered a Boundary Line to be run between the Cherokee Indian and the Settlers of this Province I have now the satisfaction to acquaint your Lordships that the Line is actually run and marked and for ascertaining the Geography of this Country thereabouts I had it measured. It extends 27. miles South and 18. North of the said Cherokee Road. I thought it proper on this occasion to issue a Proclamation notifying the same to all persons concerned. As the Boundary between this Province and North Carolina is not settled in those Parts I would not presume to carry the Line further than Reedy River nearly the 35. degree of Latitude lest it should be His Majesty's Pleasure that the Line of Partition run in the year 1764. should be continued from the Catawba Lands in that Paralell. And your Lordships will please to permit me to observe that if the continuation of the Line of Partition shall be according to that Degree of Latitude the North West Boundary of this Province will be contracted to the small extent of about forty five miles.

* * * * *

I have the honor to be with the greatest respect

My Lords

Your Lordships

most obedient & most humb^{le} servant

W^m BULL.

To the Right Hon^{ble}
the Lords Commission^{ers}
for Trade & Plantations
at Whitehall.

Rec^d July 25. }
Read " 29. } 1766.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL: 52. P. 289.]

Martin Howard Esq^{re} Chief Justice of North Carolina.

July 29th 1766.

GEORGE R.

Trusty and Wellbeloved we greet you well Whereas we have taken into our Royal consideration the loyalty Integrity and Ability of our trusty and wellbeloved Martin Howard Esq^{re} We have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under the seal of our Province of North Carolina constituting and appointing him the said Martin Howard our Chief Justice of and in our said Province in the room of Charles Berry Esq^{re} deceased to have hold exercise and enjoy the said Office unto him the said Martin Howard for and during our Pleasure and his residence within our said Province together with all and singular the Rights Profits Privileges and Emoluments unto the said Place belonging in as full and ample manner as the said Charles Berry or any other person hath formerly held and enjoyed the same with full power and authority to hold the supreme Courts of Judicature at such places and times as the same may and ought to be held within our said Province and for so doing this shall be your warrant. And so we bid you farewell. Given at our Court at S^t James's the twenty ninth day of July 1766. in the sixth year of our reign.

By His Majesty's command

RICHMOND &c

1767.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL: 52. P. 309.]

Samuel Strudwick Esq^r to be of the Council of North Carolina.

February 20th 1767.

GEORGE R.

Trusty and Welbeloved, we greet you well We being well satisfied with the Loyalty Integrity and Ability of our Trusty and Welbeloved Samuel Strudwick Esq^r have thought fit hereby to signify to you our Will and Pleasure that forthwith upon receipt hereof you swear and admit him the said Samuel Strudwick to be of our Council in our Province of North Carolina in the room of Richard Spaight Esq^r deceased and for so doing this shall be your warrant, and so we bid you farewell. Given at our Court at S^t James's the 20th day of February 1767. in the 7th year of our reign.

By His Majesty's command.

SHELBURNE.

To our Trusty and Wellbeloved William Tryon Esq^r our Captain General and Governor in Chief in and over our Province of North Carolina in North America or in his Absence to the President of our Council or Commander in Chief of our said Province for the time being.

[B. P. R. O. AM: & W. IND: VOL: 106.]

At the Court at S^t James's
the 13th of February 1767.

Present.

The King's most Excellent Majesty in Council.

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 6th of last month setting forth that Richard Spaight Esq^r one of His Majesty's Council for the Province of North Carolina is dead and that Samuel Strudwick Esq^r hath been recommended to them as a person every way qualified to serve His Majesty in that station and therefore proposing that he may be appointed of His Majesty's said Council for the Province of North Carolina in the room of the

said Richard Spaight Esq^{re} deceased. His Majesty in Council approving thereof is pleased to order as it is hereby ordered that the said Samuel Strudwick Esq^{re} be constituted and appointed a Member of His Majesty's said Council for the Province of North Carolina in the room of the said Richard Spaight Esq^{re} deceased— And that the Right Honourable the Earl of Shelburne one of His Majesty's principal Secretaries of State do cause the usual Warrant to be prepared for His Majesty's Royal Signature accordingly.

ROBERT WALPOLE.

[B. P. R. O. AMERICA AND WEST INDIES VOL. 106. P. 103.]

At the Court at S^t James's
the 13th day of April 1767.

Present.

The King's most Excellent Majesty in Council.

His Majesty in Council having this day approved of fourteen new seals for the following Islands and Provinces in America viz : ●

Jamaica
Barbadoes
Leward Islands
Bahama Islands
Nova Scotia
Massachusetts Bay
New Hampshire
New Jersey
New York
Virginia
North Carolina
South Carolina
Georgia.

Is hereby pleased to order that the Right Honourable the Earl of Shelburne one of His Majesty's principal Secretaries of State do cause Warrants to be prepared for His Royal Signature for transmitting the said Seals to the Governors of the said Island and Provinces empowering them to make use thereof And His Majesty's said principal Secretary of State is hereby further ordered to cause the said Warrant and New Seals to be transmitted accordingly And to require the said Governors respectively to return the old seals to the Council Office at Whitehall in order to their being defaced by His Majesty at this Board.

W. BLAIR.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL: 52. p. 320.]

Thomas M^cGuire Esq^r to be Attorney General of North Carolina.
May 22nd 1767.

GEORGE R.

Trusty and Welbeloved We greet you well Whereas we have taken into our Royal Consideration the Loyalty Integrity and Ability of our Trusty and Welbeloved Thomas M^cGuire Esq^r We have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under our Seal of our Province of North Carolina for constituting and appointing him the said M^cGuire our Attorney General of and in our said Province in the room of Robert Jones Junior Esq^r deceased to have hold exercise and enjoy the said office of our Attorney General unto him the said M^cGuire during our Pleasure and his residence within our said Province together with all and singular the Rights Salaries Fees Profits Privileges and Emoluments thereunto belonging and for so doing this shall be your Warrant and so we bid you farewell. Given at our Court at St^t James's the 22nd day of May 1767. in the seventh year of our reign.

By His Majesty's command.

SHELBURNE.

To our Trusty and Welbeloved W^m Tryon Esq^r our Captain General and Governour in Chief in and over our Province of North Carolina in America or in his absence to the President of our Council or Commander in Chief of our said Province for the time being.

[B. P. R. O. AM: & W. IND. VOL: 106.]

At the Court at S^t James's the 26th day of June 1767.

Present.

The King's most Excellent Majesty

| | |
|---------------------------|---------------------|
| Arch Bishop of Canterbury | Earl of Harcourt |
| Lord President | Earl of Shelburne |
| Duke of Grafton | Viscount Townshend |
| Duke of Queensberry | Viscount Howe |
| Lord Steward | Viscount Barrington |
| Earl of Huntingdon | Viscount Clare |

| | |
|----------------------|--|
| Earl of Denbigh | Viscount Villiers |
| Earl of Litchfield | Lord Sandys |
| Earl of Cholmondeley | James Stuart Mackenzie Esq ^{re} |
| Earl of Marchmont | James Oswald Esq ^{re} |
| Earl of Bristol | Sir Edward Hawke |
| Earl of Ashburnham. | |

Whereas the Governor Council and Assembly of his Majesty's Province of North Carolina did in the year 1764: pass three acts which have been transmitted intitled as follows viz^t

"An act for the more effectual suppressing of Felonies and Punishment of Counterfeiters of the Paper Currency of this Province and of Virginia."

"An act for rendering more effectual the Laws making Lands and other real estates lyable to the Payment of Debts."

"An act confirming the Title of William Dry Esq^{re} to certain Lands therein mentioned.

Which acts together with a Representation from the Lords Commissioners for Trade and Plantations thereupon having been referred to the consideration of a Committee of the Lords of His Majesty's most Honourable Privy Council for Plantation Affairs the said Lords of the Committee did this day report as their opinion to His Majesty that the said acts ought to be repealed. His Majesty taking the same into consideration was pleased with the advice of His Privy Council to declare his disallowance of the said acts and pursuant to His Majesty's Royal Pleasure thereupon expressed the said acts are hereby repealed declared void and of none effect—Whereof the Governor or Commander in Chief of His Majesty's said Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

ROBERT WALPOLE.

[B. P. R. O. AM. & W. IND: VOL: 106.]

At the Court at S^t James's the 26th day of June 1767.
Present.

The King's most Excellent Majesty.

| | |
|---------------------------|--|
| Arch Bishop of Canterbury | Earl of Harcourt |
| Lord President | Earl of Shelburne |
| Duke of Grafton | Viscount Townshend |
| Duke of Queensberry | Viscount Howe |
| Lord Steward | Viscount Barrington |
| Earl of Huntingdon | Viscount Clare |
| Earl of Denbigh | Viscount Villiers |
| Earl of Litchfield | Lord Sandys |
| Earl of Cholmondeley | James Stuart Mackenzie Esq ^{re} |
| Earl of Marchmont | James Oswald Esq ^{re} |
| Earl of Bristol | Sir Edward Hawke |
| Earl of Ashburnham | |

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of his Majesty's Province of North Carolina are authorized and empowered to make constitute and ordain Laws Statutes and Ordinances for the Publick Peace Welfare and good Government of the said Province which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and to be transmitted for His Majesty's Royal approbation or disallowance. And whereas in pursuance of the said Powers an Act was passed in the said Province in May 1765: and transmitted Entitled as follows viz^t

"An Act for establishing an Orthodox Clergy." Which Act together with a Representation from the Lords Commissioners for Trade and Plantations thereupon having been referred to the consideration of a Committee of the Lords of His Majesty's most honourable Privy Council for Plantation Affairs the said Lords of the Committee did this day report as their opinion to His Majesty that the said Act was proper to be approved—His Majesty taking the same into consideration was pleased with the advice of His Privy Council to declare his approbation of the said Act and pursuant to His Majesty's Royal Pleasure thereupon expressed the said Act is hereby confirmed finally enacted and ratified accordingly—Whereof the

Governor or Commander in Chief of His Majesty's said Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly—

ROBERT WALPOLE.

[B. P. R. O. AM. & W. IND VOL: 106.]

At the Court at S^t James's
the 24th day of July 1767.

Present.

The King's most Excellent Majesty
in Council.

Whereas there was this day read at the Board a Report from the Lords Commissioners for Trade and Plantations together with the Draught of an additional Instruction prepared by them pursuant to His Majesty's order in Council of the 26th of last month for the Governor of his Majesty's Province of North Carolina requiring him to recommend to the Council and assembly of the said Province to pass an act explanatory of an act passed there in May 1765. intituled an Act for establishing an Orthodox Clergy providing that when the Incumbent of any Parish shall be suspended the whole or a reasonable part of the proclamation Money allowed to such Incumbent shall be paid to such deserving Clergyman as shall be appointed to officiate during the Incumbents suspension—His Majesty taking the said Report and Draught of Additional Instruction into consideration was pleased with the advice of His Privy Council to approve of the said Draught of additional Instruction (which is hereunto annexed) and to order as it is hereby ordered that the Right Honourable the Earl of Shelburne one of His Majestys principal Secretaries of State do cause the same to be prepared for His Majesty's Royal Signature.

W. SHARPE.

1768.

[B. P. R. O. AMERICA AND WEST INDIES VOL: 107. P. 25.]

At the Court at S^t James's
the 6th day of July 1768.

Present

The King's most Excellent Majesty
in Council.

Whereas there was this day read at the Board a Representation from the Lords Commisioners of His Majesty's Treasury dated the 2nd of this Instant in the words following viz^t

“We the Commissioners of your Majesty's Treasury beg leave humbly to represent to your Majesty, that whereas by an act passed in the last Session of the last Parliament intituled An Act for the more easy and effectual recovery of the Penalty's and Forfeitures inflicted by the Acts of Parliament relating to the Trade or Revenues of the British Colonies and plantations in America. It is enacted that from and after the first day of September 1768. all forfeitures and Penaltys inflicted by any Act or Acts of Parliament relating to the Trade or Revenues of the British Colonies or Plantations in America may be prosecuted sued for and recovered in any Court of Vice Admiralty appointed or to be appointed and which shall have jurisdiction within the Colony Plantation or Place where the cause of such prosecution or suit shall have arisen and that in all cases where any Prosecution or suit shall be commenced and determined for any penalty or forfeiture inflicted by any such Act or Acts of Parliament in any Court of Admiralty in the respective Colony or Plantation where the Offence shall be committed either party who shall think himself aggrieved by such Determination may appeal from such Determination to any Court of Vice Admiralty appointed or to be appointed and which shall have Jurisdiction within such Colony or Plantation or Place—And whereas it will greatly contribute to the due Collection of your Majesty's Revenue and to the prevention and punishment of Frauds committed against the same and will likewise tend to the more speedy and effectual administration of Justice within the said Colonies and Plantations and be agreeable to the Intention of the Legislature in passing the said Act that a sufficient number of such Courts of Vice Admiralty be constituted and established at proper and convenient places within the said Colonies and Plantations

We humbly submit to your Majesty whether it may not be expedient and necessary for the purposes above mentioned to revoke the Commission appointing one only Court Vice Admiralty over all America and in lieu thereof to establish four other Courts of Vice Admiralty the first at Halifax in the province of Nova Scotia the second at Boston in the Province of New England the third at Philadelphia in the Colony of Pennsylvania and the fourth at Charles Town in the Colony of South Carolina: The said Courts to have Jurisdiction within certain Districts to be allotted to them respectively by your Majesty And We humbly lay before your Majesty the enclosed plan of Districts proper to be allotted to the said Courts which we submit to your Majesty's consideration each of the Judges of the said Courts respectively to be allowed such Salary as your Majesty shall think proper to be paid in the first place out of your Majesty's Moiety of the money arising from any Penalties and Forfeitures to be levied within the said Colonies and Plantations and if this Fund shall not be sufficient out of the money arising from the sale of old Naval Stores and the said Judges to be expressly enjoined in their Commissions upon pain of loosing their Offices not to take any Fee or Gratuity whatsoever for any Judgment given or "business done in their respective Courts"

His Majesty taking the same into His Royal Consideration is pleased with the advice of His Privy Council to approve thereof and accordingly to order as it is hereby ordered that a Commission be passed under the Great Seal authorizing the Lords Commissioners of the Admiralty to revoke the Commission appointing one only Court of Vice Admiralty over all America and empowering them in the lieu thereof to establish four other Courts of Vice Admiralty the first at Halifax in the Province of Nova Scotia, the second at Boston in the Province of New England, the third at Philadelphia in the Colony of Pennsylvania and the fourth at Charles Town in the Colony of South Carolina as proposed by the foregoing Representation of the Lords Commissioners of His Majesty's Treasury and the plan of Districts to be allotted to such Courts hereunto annexed—And the Right Honourable the Earl of Hillsborough one of His Majesty's principal Secretaries of State is to cause a Warrant to be prepared for His Majesty's Royal Signature in order to pass such Commission under the Great Seal accordingly.

W. BLAIR.

[B. P. R. O. AMERICA AND WEST INDIES. VOL: 107. P. 29.]

A Plan of Districts proper to be allotted to the Courts of Vice-Admiralty to be appointed in America.

The Court of Vice-Admiralty to be established at Halifax to have original Jurisdiction in all causes arising within the limits of the following Colonies and within three leagues of the shores thereof.

Quebec

Newfoundland

Nova Scotia

The said Court to have also original Jurisdiction in all Causes arising from the Capture of Ships to the Northward of the Latitude of 43. 15. North or of Ships whose Port of destination shall be within either of the said Colonies. The said Courts to have also Jurisdiction in Appeals from the Courts of Vice-Admiralty established or to be established within either of the said Colonies. The Court of Vice-Admiralty to be established at Boston to have original Jurisdiction in all causes arising within the limits of the following Colonies and within three leagues of the shores thereof.

New Hampshire

Massachusetts Bay

Rhode Island

Connecticut.

The said Courts to have also original Jurisdiction in all causes arising from the capture of ships between latitudes of 40. 30 & 44. 30 North or of ships whose Port of destination shall be within either of the said Colonies The said Court to have also Jurisdiction in appeals from the Courts of Vice Admiralty established or to be established within either of the said Colonies. The Court of Vice Admiralty to be established at Philadelphia to have original Jurisdiction in all causes arising within the limits of the following Colonies and within three leagues of the shores thereof

New York. New Jersey. Pensilvania

The Lower Counties on Delawar

Maryland. Virginia.

The said Court to have also original Jurisdiction in all causes arising from the capture of ships between the Latitude of 41. & 36. 15 North or of ships whose Port of destination shall be within either of the said Colonies.

The said Court to have also Jurisdiction in Appeals from the Courts of Vice Admiralty established or to be established within either of the said colonies—The Court of Vice Admiralty to be established at Charles Town to have original Jurisdiction in all causes arising within the following Colonies and within three leagues of the shores thereof

North Carolina

South Carolina

Georgia

East Florida

West Florida

The said Court to have also original Jurisdiction in all causes arising from the capture of ships to the Southward of Latitude 36. and 45 North or of Ships whose port of destination shall be within either of the said Colonies. The said Court to have also Jurisdiction in appeals from the Courts of Vice Admiralty established or to be established within either of the said Colonies.

[B. P. R. O. PLANTATIONS GENERAL. B. T. VOL: 52. P. 366.]

George Mercer Esq^{re} Lient: Governor of North Carolina.

Sep^{ber} 14th 1768.

GEORGE R.

George the third by the Grace of God King of Great Britain, France and Ireland Defender of the Faith &c: To our Trusty and Welbeloved George Mercer Esq^{re} Greeting: We reposing especial Trust and Confidence in your Loyalty courage and Prudence do by these Presents constitute and appoint you to be our Lieutenant Governor of our Province of North Carolina in America to have hold exercise and enjoy the said Place and Office during our Pleasure with all Rights Privileges Profits Perquisites and advantages to the same belonging or appertaining and further in case of the death or absence of the Captain-General and Governor in Chief in and over our said Province of North Carolina now and for the time being. We do hereby authorize and empower you to execute and perform all and singular the Powers and authorities

contained in our commission to our said Captain General and Governor in Chief according to such Instructions as are already sent or hereafter shall from time to time be sent unto him or as you shall receive from us and from our said Captain General and Governor in Chief of our said Province of North Carolina now and for the time being and all and singular our Officers Ministers and loving subjects of our said Province and all others whom it may concern are hereby commanded to take due notice hereof and to give a ready obedience accordingly. Given at our Court at St James's the 14th day of September 1768 in the eighth year of our reign.

By His Majesty's command.

HILLSBOROUGH.

[B. P. R. O. S^o: CAROLINA B. T. VOL: 22. O. 32.]

Extract from a Letter of Lord Charles Greville Montagu's to His Excellency Gov^r Tryon dated Charles Town Nov^{ber} 29th 1768.

The occasion of my troubling you with this Letter is concerning the Boundary Line between our two Provinces the settling of which is so essentially necessary to both. As you communicated to me the temporary Line you proposed applying for to be run, I beg leave in return to send you the Account of one I propose which if you should concur in with me your signifying the same by letter to Lord Hillsborough or authorizing me to do it will much facilitate and expedite the settling it I send you a few reasons at the same time for running it in the way that I have described and for your better understanding me a sketch of it upon Paper.

The Line to go from where the due W^t of 1764. intersects the Salisbury Road along the Road till it intersects the South Bounds of the Catawba Lands and there round the Eastern Bounds of the Catawba Lands 'till it intersects the Catawba River and then proceed up that River to that Branch which is called the South Branch and along that to its source in the Cherokee Mountains Reason for it 1st The Catawbas have often expressed their desire to be within this Province which built a Fort for them and fed and clothed them and their Families during the Cherokee War 2^{ndly} The course of the South Branch is said to be nearly East from the

Mountain and being a natural Boundary will save the expence of surveying and besides the Settlers between the South Branch and the West Line were all defended by our Rangers and fed and clothed by this Province during the Cherokee War.

I should be very desirous we might agree upon this plan and I shall be always willing to concur with you in every Measure that may be for the mutual Interest of the two Provinces.

1769.

[B. P. R. O. SO: CAROLINA B. T. VOL: 22. C. 32.]

(No. 9.)

Report. Survey.

‡ Copy of a Letter from Lord Charles Greville Montagu to the Earl of Hillsborough Dated Charles Town 19th April 1769.

MY LORD

The Boundary Line between this Province and North Carolina not being settled creates great Disorder and Confusion upon the Borders of each Province and Governor Tryon having informed me that he had applied to your Lordship for a Line to be run in a part of the Country that appeared to me would be a great injury to this Province I referred this matter to the consideration of the Gentlemen of the Council, whose Committee drew up a Report upon it which I transmit to you for your consideration together with a survey taken upon the occasion

I am &c^a

CHAS^s G. MONTAGU.

Report of a Committee of the Council of South Carolina relative to the proposed Boundary Line between North and South Carolina. ‡

‡ The original letter is in America & W. Ind: Vol. 225 also the Report indorsed as above and the "Survey" which is not in So. Car. B. T. Vol. 22.

The Committee to whom it was referred to prepare and report such Reasons as may be proper to be urged in behalf of this Province against the Boundary Line between this province and North Carolina being continued as proposed by Gov^r Tryon in a Letter to His Excellency Lord Charles Montagu dated the 11th day of December last and also to delineate such a line as would be reasonable and equitable between both Provinces.

Report

In order to proceed in the most deliberate manner in the examination of the important matter referred to their consideration they beg leave to state and hope to answer the objections made by Gov^r Tryon against making a branch of the Catawba River the Line of Jurisdiction between North and South Carolina and then to offer some arguments from the principles of Policy in general and others founded on equity arising from the particular circumstances and conduct of this Province in support thereof.

Governor Tryon Represents the making a Branch of Catawba River the Boundary as injurious to North Carolina "first by shutting out all its communication of Commerce with the Western Indians having only impassable Mountains as was experienced when the western Frontier was run last year as the Boundary between the Indians and North Carolina."

"Secondly, as the whole of the Western Frontier Line run at the expence of £2,000. would fall into South Carolina"

"Thirdly, for that by an Act of the last Session of Assembly all that Tract of Land to the Westward of the Catawba River and to the Southward of Rowan Country is formed into a County by the name of Tryon County an inferior Court established and provision ordered for erecting a Court House Jails &c add to this commissions issued for Justices of the Peace and Militia Officers and that the plan his Lordship transmitted with his letter is prodigiously erroneous, with respect to the South Branch of the Catawba River as its direction is not more by M^r Churton's Map and every other creditable Information than two or three points to the Westward of North its branches run far into Rowan County and is cut off from the Cherokee Mountains by the meanders of the Catawba River and the head branches of the Broad River and that His Excellency Governor Tryon proposed a Line to be continued a due west course from the point where the line run in 1764 left off."

To the first of these three objections the Committee answer that the Line of partition cannot preclude the people of North Carolina from passing with goods to traffick with the Indians whenever they may think proper to begin that Trade. The people of South Carolina in their very large Trade with the Creeks Chickesaws and Chactaws have constantly and freely passed through the Province of Georgia for these 38 years which liberty has lately been further secured to them by His Majesty's Royal Proclamation in 1763 relating to the Freedom of Trade with all Indians.

To the second Objection it is answered that great part of the expence therein mentioned was occasioned by the Jealousy of the then Governor of North Carolina least the line between the Province of South Carolina and the Cherokees in 1765. should be carried into the Province of North Carolina and the Lieutenant Governor of South Carolina from a respectful attention which he was willing to show to Governor Dobb's remonstrance on the matter ordered the Commissioners employed on that service not to proceed in running the Cherokee Line beyond Reedy River a natural Boundary that was far within the undoubted Jurisdiction of South Carolina rather than give umbrage to a neighbouring Governor or the least Pretext to complain of any Trespass or incroachment even thō the Jurisdiction of the Lands lying to the Westward of the Catawba River near which the Line of 1764 ended were not settled by any Royal Instruction.

The Committee take leave to annex a Copy of the Paragraph of the Lieut: Gov^{rs} Letter to the Lords of Trade on this matter. Dated March 15th 1765.

The Third objection founded on an Act of Assembly of North Carolina lately passed and other Acts in consequence thereof it is conceived can have but little weight to the prejudice of South Carolina, as this Province being sensible that the actual ascertaining of the bounds of Jurisdiction of His Majesty's Provinces was solely an exercise of Royal Prerogative accordingly forebore any attempts towards it without the Royal command, notwithstanding the Trespasses committed by several of the North Carolina Deputy Surveyors against whose proceedings Complaints were made by our back settlers to the Governor and Council of South Carolina for coming very far beyond even the pretended continuation of the west Line of 1764 besides many other inconveniences sustained in Civil as well as criminal matters and as to an inconven-

iciency mentioned by Governor Tryon to arise from the course of the South Branch of the Catawba River supposed to be erroneously laid down the weight of such objection we conceive may be better judged of, by a view of the Map of the course of the South Branch of that River surveyed by your Lordships Direction expressly to clear up the matter and we further observe on the view thereof that as the North Branch inclosing the Heads of the Broad River by its Eastern Course from its source in the mountains appears to us to be the most proper Boundary as thereby the necessity of running any Line will be prevented but if the South Branch is adopted there is a small space of Ground from its source where the latitude $35^{\circ} 37'$ was taken to the Cherokee Boundary thro' which it will be necessary to mark the Line.

The Committee now beg leave to offer a few Reasons why it will be improper to make the Continuation in a due West Course of the Line of 1764. to be the Line of Jurisdiction By repeated observation of Latitude by Mr Cook employed by this Province to make a general survey and Maps at the expence of near £3,000 sterling it appears that the Line run in 1764 which ends at the Salisbury Road near the Catawba River is eleven miles south of what His Majesty intended by some mistake in the observation of Latitude taken by the Commissioners in 1764. by which Error this Province loses about 660. square Miles or 422,000. acres of Land equal to one of the smaller Counties in England and as the length of the Line proposed by Governor Tryon to be continued due West through the Woods is greater than the West Line already run in 1764. and intended by the King's instructions to be run in the Latitude 35° but erroneously run in $34^{\circ} 49'$ there will be a loss to this Province of near 600,000. acres of Land more by the continued West Line both together containing more Land than two not the least Counties in England.

If the Line is to be marked thro the Woods the Lands of many private People will be cut in two, part will lye in one Province and the house in another which will be very inconvenient in payment of Taxes and quit Rents in levying Executions upon Lands and many other matters which will be avoided by a natural Boundary.

If the Line of 1764. is continued due West which is now found to be eleven Miles South of the 35° of North Latitude it will run several Miles South of Fort Prince George and lately thoroughly repaired at a great expence to this Province which Fort has been

and may be of great use to this Province as a place of arms in case of a Cherokee War and Savannah River to the South Boundary of South Carolina running a N. N. West Course this continued West Line will contract the Western parts of this Province to a small compass reducing the shape of this Province almost to a Triangle and thereby this Province will have but a small proportion of those rich Lands which are the most suitable for the raising of Hemp which has by the Bounties given by this Province been so happily introduced in the North West back settlements.

The Committee now proceed to adduce some reasons for including in South Carolina the Lands lying west of the natural Boundary of the Catawba River founded by the principles of general policy.

The staple Commodities of South Carolina being Rice Indico and Naval Stores and lately Hemp not rivalling or interfering with the produce of Great Britain but being very advantageous to the Trade thereof it is humbly hoped whatever may tend to secure and promote the raising such beneficial Staples must merit the Royal attention. These kinds of produce cannot be raised and extended but by the labour of Slaves supplied by the African Trade which is also very beneficial to Great Britain. But the number of such labourers their condition of slavery being apt to raise in them Ideas of an Interest opposite to their Master becomes dangerous to the publick safety where the number of White Men is overbalanced by a superior number of Negroes wherefore it has been the Policy of South Carolina at great charge to give encouragement to the Importation of Europeans as a Counterpoise thereto, this measure thō very constantly pursued has not been adequate to the growing evil which is the natural consequence of the growing prosperity of the Province It is therefore very expedient to include in this Province all those Settlers who live on Rivers whose Streams arise to the Westward of Line of 1764. down which the Hemp Flour and Lumber begin to be brought to Markett at Charles Town, at a less expensive carriage than the present general means of waggons. Bounties are given by South Carolina to Hemp raised in this Province and many living North of where the West Line proposed by Governor Tryon have received our Bounties accordingly and it is but justice to mention the readiness which many of the back settlers expressed to have marched down to assist in suppressing the

general Insurrection of our Negroes which was apprehended in 1766. and here let it be remembered that North Carolina is secure from this danger of Negroes for the White men are vastly superior to the Number of Slaves in that Province.

It may be further observed that the opening an easy way down those Rivers to Markett where South Carolina produce may be bartered for European Goods is the most likely way to prevent Establishing Manufacturers in those Inland Parts of Home Materials for Home Consumption.

We humbly conceive that there are also many reasons why this Province should be strengthened by allotting this Body of Lands now pretty well settled with White men to South Carolina because during the Cherokee War in 1760. & 1761. many of the Inhabitants near those parts at the first consternation and ravages of the Indian Incursions fled into the Northern Provinces but several who ventured to defend themselves in stockaded Forts were enabled to maintain their posts by the assistance of the arms ammunition provisions and clothing received from this Province which the Journals of the Assembly making provision for the expence thereof abundantly prove and it is more than probable that a derelict Country would not have been so soon or so well repeopled if these Forts had not been thus supported. These Forts were also covered by very large patrols of Horse Rangers in the pay of this Province traversing the Country from the Catawba to the Savannah River.

As the Settlers imported at the Expence of this Province are not now confined to Townships but are allowed to choose Lands where they are most suitable to their minds many have settled up the Broad River whose upper Branches will be cut off from this Province by the continuation of the Line of 1764. in a West Course and several Settlers imported at the expence of this Province thrown into North Carolina.

It would be convenient and reasonable that the Catawba Indians should be comprehended in the proposed Boundary as a very useful Body of Men to keep our numerous Negroes in some awe. The year 1766. afforded a very strong proof of their Utility on such services for about the Christmas of 1765 many Negroes having fled into large Swamps and other circumstances concurring there was great room to apprehend that some dangerous Conspiracy and Insurrection were intended and thō the Militia were ordered on Duty and were very alert on this occasion the Governor thought it proper

also to invite a number of the Catawba Indians to come down and hunt the Negroes in their different recesses almost impervious to White Men at that season of the year. The Indians immediately came and partly by the Terror of their name their Diligence and singular sagacity in pursuing Enemies thrō such Thickets soon dispersed the runaway Negroes, apprehended several and the most of the rest of them chose to surrender themselves to their Masters and return to their Duty rather than expose themselves to the attack of an Enemy so dreaded and so difficult to be resisted or evaded for which good service the Indians were very amply rewarded. It is not improper to mention that this Province hath acquired a powerful Influence over this Tribe of Indians now our Inmates by a long train of Acts of Friendship Protection and Liberality. Their Complaints when injured by any White Men have been attended to and redressed by the Governor and in 1760 they consented to contract their claim of Lands where their numerous ancestors had long resided to a spot of 15. miles square on condition that this Province would be at the expence of building a stockaded Fort (which was immediately complied with) to secure their Women and children while their Men accompanied the King's Troops and the Troops in the pay of the Province in the two Cherokee Expeditions during which their Men were in the pay of and their Women and Children were fed and cloathed by this Province for proof of which we refer to the Journals of the Council and Assembly.

The Committee having thus as they hope impartially stated and maturely considered the matters referred to them upon the whole are of opinion and propose that the Limits of Jurisdiction between the Provinces of North and South Carolina run in 1764 ending at the Salisbury Road near the Catawba River should be continued Northerly along the said Lands to the Catawba Lands and then Easterly Northerly and Westerly around and along the Line bounding the Catawba Lands surveyed in 1763. till it intersects the Catawba River and then to proceed along the North or Main Branch of the Catawba River to its source in the Cherokee Mountains.

Extract of a Letter from Lieut: Gov^r Bull to the Right Honourable the Lords Commiss^{rs} for Trade. &c. Dated March 15th 1769.

I have acquainted the Cherokees that according to their desire I

shall send next June a Commissioner to meet them and mark out the Boundary between the English and them. As our Boundary with North Carolina is not ascertained so far West I must stop a few miles to the North of the Road from Ninety six to Fort Prince George. Governor Dobbs of North Carolina has already expressed a jealousy that in running this Boundary I shall perhaps give up some Lands in his Province which he can by no means consent to but I have acquainted him that I had no Intention of going beyond the reputed Boundary of my own Province tho I hear the people of North Carolina are making quick advances to the foot of the Cherokee Mountains which is the chief hunting ground for the Lower Cherokees—

N. B. Two letters from Gov. Tryon here follow, one dated 11th Dec. 1768 the other 12th Dec. 1768 but both are printed in No. Car. Col. Records Vol. VII. pp. 876 & 879. W. N. S.

[B P. R. O. AMERICA AND WEST INDIES. VOL: 108. P. 79.]

At the Court at S^t James's the 28th Day of June 1769.
Present.

The King's most Excellent Majesty in Council.

Whereas there was this Day read at the Board a Report from the Right Honourable Lords of the Committee of Council for Plantation affairs dated the 21st of this Instant humbly offering to his Majesty for his Royal approbation Draughts of additional Instructions prepared by the Lords Commissioners for Trade and Plantations to the Governors or Commanders in chief of the several Colonies and Plantations in America directing them not to give their assent to any Act or Acts for raising money by the Institution of any Publick or private Lotterys whatsoever until they shall have first transmitted a Draught of such Act or Acts and shall have received his Majesty's Directions thereupon—His Majesty taking the same into consideration was pleased with the advice of His Privy Council to approve of the said Draughts of Additional Instructions (which are hereunto annexed) and to order as it is hereby ordered that the Right Honourable the Earl of Hillsborough one of His Majesty's Principal Secretaries of State do cause the same to be prepared for His Majesty's Royal Signature.

STEPH: COTTRELL.

[B. R. R. O. PLANTATIONS GENERAL B. T. VOL. 51 P. 286. 1769. NOV. 6.,
HENRY EUSTACE McCULLOCH ESQ TO BE AGENT.]

NORTH CAROLINA

An Act for appointing an Agent to solicit the Affairs of this Province at the several Boards in England.

Whereas it is necessary that some person or persons properly qualified be appointed by Publick Authority to solicit and truly represent the Affairs of this Province at the several Boards in England,

Be it enacted by the Governor Council and Assembly and by the Authority of the same that Henry Eustace McCulloch Esq^e be and is hereby appointed Agent for this Province to solicit, represent, and transact all such Publick Affairs and Business now relating to the said Province or that shall or may be moved concerning the same at any of the said Boards in England during the said term, according as he shall from time to time find occasion or be directed and instructed by the Committee of Correspondence herein after appointed, and that the said Henry Eustace McCulloch have and receive for his trouble and expences in soliciting the Affairs and Publick Concerns of this Province, the sum of Two hundred Pounds sterling paid in London annually to be paid by Warrant from his Excellency the Governor out of the Public Treasury to the said Committee and by them be remitted to the said Henry Eustace McCulloch.

And be it further Enacted by the Authority aforesaid that the Hon^{ble} Lewis Henry De Rosset, Alexander McCulloch and Robert Palmer Esq^{res} members of Council, John Harvey, Joseph Monfort, Edward Vail, John Campbell, and Benjamin Harvey Esquires or the Majority of them or the majority of the survivors of them, be and they are hereby nominated and appointed a Committee to correspond with and from time to time during the continuance of this Act to advise, direct and instruct the said Henry Eustace McCulloch in all such matters relating to this Province as may be moved or solicited or that they may think proper at any time to move or solicit before any of the Boards in England and the said Committee shall from time to time when thereto required lay before the General Assembly of this Province the advices they

shall receive from the said Agent and also Copies of such Dispatches, Orders and Directions as they shall send to him.

And be it further Enacted by the Authority aforesaid, that this Act shall continue and be in force for and during the term of two years from and after the second day of December next.

Ex^d

[B. P. R. O. S^o: CAROLINA B. T. VOL: 22. O. 32.]

At the Council Chamber Whitehall the 21st December 1769.
By the Right Hon^{ble} the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased by His Order in Council of the 4th of August last to refer unto this Committee several papers transmitted by the Governors of the Provinces of South and North Carolina to the Right Honorable the Earl of Hillsborough one of His Majesty's principal secretaries of State relative to a Boundary line proposed to be run between the said provinces The Lords of the Committee this day took the same into Consideration and are hereby pleased to refer the said papers (copies whereof are hereunto annexed) to the Lords Commissioners for Trade and Plantations, to consider the same and report their opinion thereupon to this Committee—

PHIL. SHARPE.

1770.

[B. P. R. O. AMERICA AND WEST INDIES. VOL: 108. p. 139.]

At the Court at S^t James's the 5th day of January 1770.

Present.

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 22nd of last month in the words following viz^t

“In obedience to your Majesty's commands signified to us by the Earl of Hillsborough one of your Majesty's principal secretaries of

State We have taken into our consideration a letter to his Lordship from John Stuart Esq^{re} your Majesty's Superintendant of Indian Affairs in the Southern Department of North America dated the 30th July 1769. stating the expediency of appointing the said Superintendant an extra Member of the several Councils in the district for which he acts which as he conceives will be very useful and advantageous for your Majesty's service Whereupon we humbly beg leave to represent to your Majesty

“ That the reasons urged for the proposed appointment appear to us to be well founded inasmuch as he will thereby be the better enabled to confer and consult upon many matters with the Governors of your Majesty's Provinces and their Councils agreeable to your Majesty's Instructions as likewise to assist with his advice in framing any provincial Law or regulation respecting the local and immediate concerns of any particular province with the Indian Nations for the reasons therefore We humbly recommend to your Majesty to appoint the said M^r Stuart a Councillor extraordinary for the several Provinces within his Department during the continuance of his Superintendancy agreeable to the proposal contained in his letter, but we would humbly submit to your Majesty whether he should not be restrained from acting in a judicial capacity in any cases of civil property which may be brought before your Majesty's Councils of those Provinces as Courts of Justice or Equity as likewise from taking upon him the administration of the Government in cases of vacancy when the same is to devolve upon the Councillor next in Seniority.—His Majesty taking the said Representation into His Royal Consideration is pleased with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the said John Stuart Esq^{re} be appointed a Councillor extraordinary for the several Provinces within his department during the continuance of his superintendancy but that he be restrained from acting in a judicial capacity in any cases of civil property which may be brought before His Majesty's Councils of those Provinces as Courts of Justice as likewise from taking upon him the administration of Government in cases of vacancy when the same is to devolve upon the Councillor next in Seniority And the Right Honorable the Earl of Hillsborough one of His Majesty's principal secretaries of State is to cause a warrant to be prepared for that purpose and lay the same before His Majesty for His Royal Signature.

STEPH: COTTRELL.

1771.

[B. P. R. O. AM. & W. IND. VOL: 109.]

At the Court at S^t James's the 6th day of February 1771.

Present.

The Kings most Excellent Majesty in Council.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 30th of last month in the Words following—viz^t

“In obedience to your Majesty's commands we have prepared and herewith humbly lay before your Majesty Draughts of General Instructions as well as of those which relate to the observance of the Acts of Parliament for the encouragement and regulation of the Plantation Trade for Josiah Martin Esquire, whom your Majesty has been pleased to appoint to be Captain General and Governor in Chief of your Majesty's province of North Carolina in America to which Draughts we have made no material alterations from the Instructions given by your Majesty to William Tryon Esquire except in the following particulars”

“We have inserted in the present Draught of General Instructions two Articles number fourteen and nineteen restraining the Governor on certain conditions from assenting to any Acts by which the number of the Assembly shall be increased or any regulations made in respect thereto inconsistent with your Majesty's Rights or by which publick or private Lotteries may be instituted both which articles are conformable to what your Majesty has already approved for the Governors of other Colonies.

“We have omitted all such Articles of the former Instructions the objects of which appear to have been carried into execution or which from a variation in the circumstances of the Province are become unnecessary and improper.

“We have inserted in the first Article the names of only ten Councillors exclusive of the Lieutenant Governor but so soon as we are apprized of the names of persons proper to serve your Majesty in that Station we shall not fail humbly to recommend them to your Majesty in order that the said Council may be completed to its usual Number.”

His Majesty taking the same into consideration was pleased with the advice of His Privy Council to approve of the said Draughts of Instructions together with the alterations made therein and to order as it is hereby ordered that the Right Honourable the Earl of Hillsborough one of His Majesty's principal Secretaries of State do cause the said Instructions (which are hereunto annexed) to be prepared for His Majesty's Royal signature.

STEPH: COTTRELL.

[B. P. R. O. AM: & W. IND: VOL: 109.]

At the Court at S^t James's the 1st day of May 1771.

Present.

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 26th of last month setting forth that there are two vacancies in His Majesty's Council for North Carolina and Sir Nathaniel Duckenfield Baronet and Marmaduke Jones Esquire having been recommended to the said Lords Commissioners as persons well qualified to serve His Majesty in that station They therefore humbly propose that the said Sir Nathaniel Duckenfield and Marmaduke Jones may be appointed of His Majesty's said Council—His Majesty in Council approving thereof is pleased to order as it is hereby ordered that the said Sir Nathaniel Duckenfield Baronet and Marmaduke Jones Esq^{re} be constituted and appointed Members of His Majesty's said Council in North Carolina—And that the Right Honourable the Earl of Hillsborough one of His Majesty's principal Secretaries of State do cause the usual Warrants to be prepared for His Majesty's Royal Signature.

STEPH: COTTRELL.

[B. P. R. O. AMERICA AND WEST INDIES. VOL 109. P. 151.]

At the Court at S^t James's
the 7th day of June 1771.

Present.

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report from the

Right Honourable the Lords of the Committee of Council for plantation affairs dated the 3rd instant humbly offering to His Majesty for his Royal approbation Draughts of additional Instructions prepared by the Lords Commissioners for Trade and Plantations for the Governors of the provinces of North and South Carolina directing them to appoint Commissioners for settling the boundary Line between the said Provinces—His Majesty taking the same into consideration was pleased with the advice of his Privy Council to approve of the said Draughts for additional Instructions which are hereunto annexed and to order as it is hereby ordered that the Right Honourable the Earl of Hillsborough one of His Majesty's principal secretaries of State do cause the same to be prepared for His Majesty's Royal Signature.

STEPH: COTTRELL.

[B. P. R. O. AM : & W. IND : VOL : 434 p. 87.]

GEORGE R.

Additional Instruction to our Trusty and Welbeloved Josiah Martin Esq^{re} our Captain General and Governor in Chief in and over our Province of North Carolina in America. Given at our Court at S^t James's the Tenth day of June 1771. In the eleventh year of our reign.

Whereas We thought fit in consequence of representations made to us that great disputes had arisen and much mischief and confusion had ensued amongst our subjects on the Frontiers of North Carolina and South Carolina from the want of a certain known Line of Jurisdiction between the said Provinces to direct by our Royal Instructions to the Governors of our said Provinces in the year 1763. that a line should be run out in the manner therein prescribed in consequence whereof a Line hath been accordingly run out and marked by Commissioners appointed for that purpose as far as the Salisbury Road near the Catawba Lands Now it is Our Will and Pleasure and you are hereby authorized and required to appoint Commissioners to proceed jointly with Commissioners to be appointed by our Governor of South Carolina in continuing the Boundary Line from the said Salisbury Road where it now ends along the said road to where it enters the Catawba Lands from

thence along the Southern Eastern and Northern boundary of the said Lands to where the Catawba River Enters the said Lands on the North from thence to follow the middle stream of that River northerly to the confluence of the Northern and Southern branches thereof and from thence due West until it reaches the Line agreed upon with the Cherokee Indians as a Boundary between their Country and the Settlements of our Subjects. And it is our farther Will and Pleasure that the line beginning at the Sea Thirty Miles distant from the mouth of Cape Fear River on the South West thereof following the direction in which it hath been already run out and marked as far as the said Salisbury Road near the Catawba Lands and as it is hereby directed to be continued from the station Point on that Road to the Cherokee line in the manner above mentioned shall be the final boundary between our said Provinces of North and South Carolina.

G. R.

[B. P. R. O. AM: & W. IND: VOL: 434. P. 90.]

Whitehall. 3rd July 1771.

N^o 3. Gov: Martin.

SIR,

Inclosed I send you by His Majesty's Command an Order of His Majesty in Council on the 7th of June last disallowing two Laws passed in North Carolina in December 1768. and that you may know the reasons which have induced the Disallowance of these Laws I send you inclosed for your own Information a Copy of the Board of Trades Representation thereupon. I am, etc:

HILLSBOROUGH.

Inclosure.

At the Court at S^t James's the 7th Day of June 1771.

Present.

The King's most Excellent Majesty

| | | |
|----------------------|-----------------------|---|
| The Chancellor. | Lord Chamberlain. | Visc ^t Falmouth. |
| Lord President. | Earl of Rochford. | Lord North. |
| Lord Privy Seal. | Earl of Bristol. | Hans Stanley Esq ^{rs} |
| Duke of Ancaster. | Earl of Pomfret. | Rich ^d Rigby Esq ^{rs} |
| Duke of Queensberry. | Earl of Hillsborough. | Geo : Onslow Esq ^{rs} |

Whereas by Commission under the Great Seal of Great Britain the Governor Council & Assembly of His Majesty's Colony of North Carolina are authorized and empowered to make constitute and ordain Laws Statutes and Ordinances for the Public Peace Welfare and good Government of the said Colony which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and are to be transmitted for His Majesty's Royal approbation or Disallowance; And Whereas in pursuance of the said Powers two Acts were passed in the said Colony in Dec^{ber} 1768. and transmitted intituled as follows viz^t

1st An Act to encourage the Importation of British Copper Halfpence and for making them a Tender for the payment of small debts.

2^d An Act for declaring certain Lots in the Town of Newbern taken up by the Trustees for promoting the public school in the said Town saved and improved according to Law and to empower the said Trustees to collect the subscriptions due to the said School.

Which Acts together with a Representation from the Lords Com^{rs} for Trade and Plantations thereupon having been referred to the Consideration of a Committee of the Lords of His Maj^{ty's} most Hon^{ble} Privy Council for Plantation Affairs. The said Lords of the Committee did this Day report to His Majesty as their opinion that the said Acts ought to be disallowed. His Majesty taking the same into consideration was pleased with the advice of His Privy Council to declare His disallowance of the said Acts and pursuant to His Maj^{ty's} Royal Pleasure thereupon expressed the said Acts are hereby disallowed declared void and of none effect. Whereof the Gov^r or Command^{er} in Chief of His Maj^{ty's} said Colony

of N^o Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

STEPH: COTTRELL.

[B. R. R. O. PLANTATIONS GENERAL B. T. VOL. 51. P. 289.]

NORTH CAROLINA

An Act for appointing an Agent to solicit the Affairs of this Province at the Several Boards in England

Whereas it is necessary that some person properly qualified be appointed by Publick Authority to solicit and truly represent the Affairs of this Province at the several Boards in England.

Be it Enacted by the Governor, Council and Assembly and by the Authority of the same, that Henry Eustace McCulloch Esq^e be and is hereby appointed Agent for this Province to solicit, represent, and transact all such Public Affairs and Business now relating to the said Province or that shall or may be moved concerning the same at any of the said Boards in England, according as he shall from time to time find occasion or be directed or instructed by the Committee of Correspondence herein after appointed. And that the said Henry Eustace McCulloch shall have and receive for his trouble and expences in soliciting the affairs and Public Concerns of this Province the sum of three hundred Pounds sterling paid in London annually to be paid by Warrant from his Excellency the Governor or Commander in Chief for the time being out of the Public Treasury to the said Committee and by them remitted to the said Agent. And be it further enacted by the Authority aforesaid, that the Honorable Lewis Henry De Rossert and Marmaduke Jones Esquires Richard Caswell, John Harvey, James Moore, Joseph Monfort, Robert Howe, Maurice Moore and Cornelius Harnett Esquires, or the majority of them or the majority of the survivors of them be, and they are hereby nominated and appointed a Committee to correspond with, and from time to time during the continuance of this Act, to advise direct and instruct the said Henry Eustace McCulloch in all such matters relating to this Province, as may be moved or solicited or that they may think proper at any time to move or solicit before any of the Boards in England,

and the said Committee shall from time to time, when thereto required lay before the General Assembly of this Province the the advices they shall receive from the said Agent and also copies of such dispatches Orders and directions as they shall send to him.

And be it further Enacted by the authority aforesaid, that this Act shall continue and be in force for and during the term of two years from and after the second day of December in the year of our Lord One thousand seven hundred & seventy one and no longer.

(signed)

JO: MARTIN

JA^s HASELL, president

R^d CASWELL, speaker

Read three times and ratified in open Assembly, This 23rd Day of Dec. 1771.

NORTH CAROLINA—SS.

I Sam^l Strudwick, secretary of the said Province do hereby certify that the foregoing writing is a true and exact copy of an Act of the Assembly of this Province passed and ratified on the twenty third day of December last and that I have carefully examined the same with the original thereof now remaining in my office

SAM^l STRUDWICK, secretary.

Ex^d

1772.

[B. P. R. O. PLANTATIONS GENERAL B. T. VOL. 51. P. 288. 1771. HENRY EUSTACE McCULLOCH ESQ TO BE AGENT.]

NORTH CAROLINA

His Excellency Josiah Martin Esq^{re} His Majesty's Captain General Governor and Commander in Chief in and over the said Province.

To all whom these Presents shall come greeting, know ye, that Sam^l Strudwick Esq^{re} who hath certified, that the Paper-writing hereunto annexed contains a true and exact Copy of an Act of the

Assembly of this Province passed on the twenty third day of December last and hath attested the same, is Secretary of this Province of North Carolina and therefore all due faith and credit is and ought to be had and given to such his Attestation, and the said Paper writing in all or any of His Majesty's Courts of Judicature or elsewhere within His Dominions.

In Testimony wherefore I the said Josiah Martin have hereunto set my hand and caused the great Seal of His Majesty's said Province to be affixed at New Bern the second day of Jan^{ry} Anno. Dom. 1772.

JO : MARTIN.

By His Excellency's Command,
James Biggleston. Private Secre^y

[B. P. R. O. AMERICA AND WEST INDIES. VOL : 109. p. 187.]

At the Court at S^t James's the 3rd day of February 1772.
Present.

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report from the Lords Commissioners for Trade and Plantations together with Draught of additional Instructions to the several Governors in America (prepared by the said Lords Commissioners in pursuance of His Majesty's Order in Council of the 15th of last month) to restrain them from giving their assent to any Laws by which the Lands, Tenements, Goods, Chattels, Rights and credits of Persons who have never resided within the respective Colonies shall be attached for the payment of Debts due from such persons otherwise than as allowed by the Laws of this Kingdom—His Majesty taking the same into consideration was pleased with the advice of His Privy Council to approve of the said Draughts of additional Instructions (which are hereunto annexed) and to order as it is hereby ordered that the Right Honorable the Earl of Hillsborough one of His Majesty's Principal Secretaries of State do cause the same to be prepared for His Majesty's Royal Signature

STEPH. COTTRELL.

(P. R. O. AMERICA & WEST INDIES VOL. 109 PAGE 231.)

Order in Council.

Additional Instruction to Our Trusty and Wellbeloved Josiah Martin Esquire Our Captain General and Governor in Chief in, and over Our Province of North Carolina, in America. Given at Our Court at St James's the 15 day of May in the year of Our Reign. [1772]

Whereas it hath been represented unto Us, that a Law was passed in Our Province of North Carolina in 1771, intituled, "An Act for preventing Tumults and riotous Assemblies, for the more speedy and effectual punishing the Rioters, and for restoring and preserving the public peace of this Province," enacting amongst other things, That upon Indictment found, or Presentment made against any Person for any of the Crimes described in the Act, the Judges or Justices of the Court shall issue their Proclamation, to be affixed or put up at the Court House, and each Church and Chapel of the County, where in such crime was committed, commanding such Offender to surrender within sixty days, and stand Tryal, on failure of which he shall be deemed guilty of the Offence charged in the indictment found, or Presentment made, and it shall be lawful for anyone to kill and destroy such Offender, and his Lands and chattels shall be confiscated to the King for the use of Government, which said clause appears to Us to be irreconcilable with the principles of the Constitution, full of danger in its operation, and unfit for any part of the British Empire: But whereas it hath been also further represented unto Us, that the said Act, which also contains many useful and proper regulations for the preservation of the Public Peace of Our said Province, of late disturbed by outrages and Insurrections of a very dangerous nature, is by its own limitation upon the point of expiring, and that the total repeal of it might in the present state of affairs have very fatal consequences, and revive seditious spirit (not yet wholly subsided amongst some of the Inhabitants) which has been productive of so much Tumult and Confusion. We have therefore not thought fit to disallow the said Act, But it is nevertheless Our express will and Pleasure, that, in case it shall be found necessary to enact any new Law within Our said Province of North Carolina for prevent-

ing Tumults and riotous Assemblies, you do take especial care, that the said Law be framed as near as may be agreeable to the Laws of this Kingdom, and that you do not upon any pretence whatever give your assent thereto, unless the same shall appear to you to be entirely free from the objections stated to the Clause before recited.

[NOTE.—This should have been printed on p. 289, Vol. 9, Colonial Records.—W. C.]

1773.

(FROM CALENDER OF VIRGINIA STATE PAPERS, VOL. 8, PAGE 5.)

Copy of a Letter to the Speaker of the House of Representatives of the colony of North Carolina.

Williamsburg, Virginia, April 6th, 1773.

SIR:

This Colony having of late years sustained the greatest injury by having their paper currency forged, and it having been represented to our General Assembly at their last session, that the supposed principal author of this mischief is an inhabitant of North Carolina, they judged it necessary, as well to prevent such dangerous practises in the future, as to show their regard for the other Colonies, to pass an Act, to prevent counterfeiting the paper currency of other Colonies. Our Governor will transmit copies of this Act to the different Governors on the Continent with the request that they would be pleased to recommend to their different Assemblies to enact laws of the same import respecting Virginia. We have it in command to furnish the Speakers of the different Assemblies with the like copies, and to request the favour of their countenance and assistance in accomplishing our wishes upon so important an occasion. We therefore take the liberty of inclosing you a copy of the Act.

We have the honour to be very respectfully,

Sir, your mo. ob't serv'ts,

PEYTON RANDOLPH,
ROBERT CARTER NICHOLAS,
DUDLEY DIGGES.

(P. R. O. AMERICA & WEST INDIES VOL 110. PAGE 113.)

At the Court at S^t James's the 19th day of November 1773

Present

The King's most Excellent Majesty in Council

Whereas there was this day read at the Board a Report from the Lords Comm^{rs} for Trade and Plantations, together with draughts of Additional Instructions. (prepared by them in pursuance of His Majesty's Orders in Council of the 1st of September last) to the Governors or Commanders in Chief of all His Majesty's Colonies and Plantations in America, directing them, not, upon any pretence whatsoever, to give their assent to any Bill or Bills that may have been, or shall hereafter be, passed by the Councils and Assemblies under their Government, for the Naturalization of Aliens, nor for the Divorce of Persons joined together in Holy Marriage, nor for establishing a Title in any Persons to Lands, Tenements and real Estates, originally granted to, or purchased by, Aliens antecedent to Naturalization.

His Majesty taking the said Report into consideration, was pleased, with the advice of His Privy Council, to approve of the said Draughts of Additional Instructions (which are hereunto annexed) and to order, as it is hereby ordered, that the Right Honourable the Earl of Dartmouth, one of His Majesty's Principal Secretaries of State, do cause the same to be prepared, for His Majesty's Royal Signature

W. BLAIR

(Endorsed)

Order in Council, 19th Nov^r 1773

Approving the Drafts of Add^l Instruct^s to the following Gov^{rs} forbidding them giving their Assent to any Bills for Naturalizing Aliens—nor for Divorce &c.

Gov^r of Quebec

S^t Johns

Nova Scotia

New Hampshire

Massachusetts Bay

New York

New Jersey

Virginia
N^o Carolina
S^o Carolina
Georgia
East Florida
W^r Florida
Barbadoes
Lew^d Islands
Grenades
Dominica
Jamaica
Bahamas
Bermuda

1774.

(B. P. R. O. AMERICA & WEST INDIES VOL. 111. P. 1.)

At the Court at S^t James's the 2nd of February 1774.
Present.

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 25th of last month in the words following viz^t

“Your Majesty having been pleased by your Order in Council of the 9th of June 1773. to referr unto this Committee a Report of the Lords Commissioners for Trade and Plantations setting forth That in obedience to your Majesty's Order in Council of the 7th of April last they had taken into consideration the powers and authorities for granting Lands contained in the Commission and Instructions to your Majesty's Governor in the Plantations and did humbly beg leave to lay before your Majesty a Sketch of additional Instructions to your Majesty's said Governors containing such regulations as considering the present state and conditions of the said Colonies and the real value of the waste and unsettled Lands therein are most adviseable to be adopted in all the said Colonies

except that of Quebec, within which Province your Majesty hath to the great satisfaction of all your Majesty's faithful subjects there been graciously pleased to direct that the Lands shall be granted in the same mode and upon the same conditions as were practised when that Colony was under the dominion of the Crown of France, the Lords of the Committee in obedience to your Majesty's said Order of Reference did on the 28th of October last take the said Report and Sketch of Additional Instructions into consideration and thought proper to direct the said Lords Commissioners for Trade and Plantations to prepare Draughts of particular Instructions to the respective Governors or Commanders in Chief of your Majesty's several Colonies and Plantations in North America (except Quebec) conformable to the said Sketch and the said Lords Commissioners for Trade and Plantations having accordingly prepared Draughts for such particular Instructions for the Governors of Nova Scotia, New Hampshire, New York, Virginia, North Carolina, South Carolina, Georgia, East Florida and West Florida— The Lords of the Committee this day resumed the consideration of the same and having maturely weighed and considered the several regulations therein contained are humbly of opinion that the said Draughts of Instructions are proper for y^r Maj^{ty's} Royal approbation except that article which contains the table of Fees to be taken in the respective publick Offices in the Plantations which have been fixed and settled by Laws passed in y^r Maj^{ty's} several Colonies in America The Lords of the Committee are of opinion that the Article containing the Table of Fees aforesaid is unnecessary and have accordingly amended the Draughts of Instructions in that particular in striking out the Table of Fees therein inserted & directing that the Fees to be taken shall be such as are allowed by Law and no other and humbly lay the said Draughts of Instructions so amended before your Majesty for your Royal approbation" His Majesty taking the said Report into His Royal consideration was pleased with the advice of His Privy Council to approve of the said Draughts of additional Instructions together with the alteration therein made by the Lords of the Committee and to order as it is hereby ordered that the Right Honourable the Earl of Dartmouth one of His Majesty's principal Secretaries of State do cause the said additional Instructions (which are hereunto annexed) to be prepared for His Majesty's Royal Signature.

G. CHETWYND.

[B P. R. O. AMERICA AND WEST INDIES. VOL. 111. P. 17.]

At the Court at S^t James's
the 9th day of March 1774

Present

The King's most Excellent Majesty in Council

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations, dated the 21st of last month Setting forth, That there being two vacancies in His Majesty's Council of the Province of North Carolina, and Thomas M^cGwire Esq^r. His Majesty's Attorney General, together with Willie Jones Esq^r having been recommended to them as Persons every way qualified to serve His Majesty in that station, the said Lords Commissioners humbly propose that the said two Gentlemen may be appointed of His Majesty's said Council—His Majesty taking the same into consideration is pleased with the advice of His Privy Council to approve thereof, and accordingly to order, and it is hereby ordered, that the said Thomas M^cGwire and Willie Jones Esquires be constituted and appointed Members of His Majesty's Council for the said Province of North Carolina; And the Right Honourable the Earl of Dartmouth one of His Majesty's Principal Secretaries of State, do cause the usual Warrant to be prepared for His Majesty's Royal Signature.

W. BLAIR.

[FROM CALENDER OF VIRGINIA STATE PAPERS. VOL. 8 PAGES 58 & 59.]

(To the Gentlemen, the Committee of correspondence appointed by the Colony of South Carolina.)

North Carolina, June 10th, 1774.

GENTLEMEN :

We send you by express copies of sundry Letters and Papers which came yesterday from the Northern Colonies respecting the arbitrary and oppressive proceedings against the town of Boston, in the Province of Massachusetts Bay—Proceedings which must necessarily affect every free inhabitant of British America with the most alarming apprehensions for their dearest rights.

We wish it were in our power to furnish you with the united sense of the inhabitants of this Province from the votes of their Representatives, but as this cannot be had on this emergency, we can only give you our own sentiments and what we believe will be

theirs whenever they have an opportunity of expressing them: That the inhabitants of this Province ought to consider themselves interested in the cause of the town of Boston as the cause of America in general.

That they will concur with and co-operate in such measures as may be concerted and agreed on by their Sister Colonies on this occasion.

That in order that there may be a conformity and unanimity in the Councils of America, it is absolutely necessary and expedient that deputies be appointed by the several Colonies to meet and deliberate on all measures that may be deemed necessary to the support of the general interest.

That in case the Governors of the different Colonies should refuse or decline to call an Assembly of the Representatives of the people that they should in pursuance of the laudable example of the respectable members of the late House of Burgesses of Virginia meet and form associations to consider the most probable means of defeating and counteracting every attack on the rights of the Colonies in general, or any of them, and that in case the act of Parliament, on which our apprehensions are grounded, should be carried into execution, they ought as soon as possible to put a stop to all Commercial-intercourse between this Province and Great Britain until the act is repealed.

We join with the Committee of Correspondence of Virginia in requesting that you will be pleased to forward copies of the inclosed papers, together with your own sentiments, to our friends in Georgia by express, and that you will favor us with the results of your deliberations on this very important affair as soon as possible.

We have the honor to be Gentlemen,

Your mo. obed't serv'ts,

JOHN HARVEY,

JOHN ASHE,

CORNELIUS HARNETT,

ROBERT HOWE,

EDWARD VAIL,

WILLIAM HOOPER,

SAMUEL JOHNSTON,

JOSEPH HEWES.

Committee for Correspondence for North Carolina.

[FROM CALENDER OF STATE PAPERS OF VIRGINIA. VOL. 8 PAGES 64 & 65.]

North Carolina June 21st, 1774.

GENTLEMEN :

We have been favored with yours of the 31st of May last, accompanied with copies of several letters and papers relative to the unhappy Divisions which now prevail between Great Britain and the Colonies, and the ruinous condition in which the town of Boston is involved as a recent consequence of them.

We sincerely sympathize in the distress of that brave people, and mourn over it as over the common cause of America. We conceive this attempt made on their natural and Constitutional rights as a presage to a similar or more flagrant violation of the Rights of the rest of the Colonies, and that upon the success of this in a great measure depends the fate of American Liberty.

We are of opinion that the method proposed by you of a general Congress to be held by Deputies from the different Colonies will be an expedient, calculated to produce that union in practice and sentiment which is necessary to give success to the measures which may be adopted as Regulations for their conduct at this critical tera. As this cannot be effected but by a Convention of the Representatives of the several provinces from whom such deputation must proceed, we think that the conduct pursued by the late Representatives of Virginia is worthy imitation when the Governors of the several provinces, in obedience to ministerial instructions or of their own accord, shall decline to convene the people in their Legislative capacity.

We had been happy if we had been fully authorized to speak the general sense of the people of this province. Be assured that we will, with all possible expedition, use the best means to obtain it. Should not our Assembly meet on the 26th of July, to which time it now stands prorogued, we shall endeavor in some other manner to collect the Representatives of the people and shall immediately afterwards transmit to you what may be the result of their deliberations. In the mean time we have the fullest confidence that the share they may take in this important controversy will not be unworthy of men who have ever been sacredly retentive of their Constitutional Rights, and desirous to hand them unimpaired to posterity.

They will, we flatter ourselves, concur with you that the best expedient to bring about a reconciliation with the mother Country and the Colonies will be to put a stop to all commercial Intercourse with her and the West Indies, and thus to carry home to Great Britian the calamitous consequences of her own measures.

We cannot enough applaud the generous spirit exhibited by the Colony of Virginia upon this emergency, and wish the example may be as diffusive as it is truly laudable.

We are with great respect,

Gent. your mo. ob't humble serv'ts,

EDWRD VAIL

JOHN HARVEY

JOHN ASHE,

ROBERT HOWE,

SAM. JOHNSTON,

JOSEPH HEWES,

CORN' HARNETT

WILL. HOOPER

To the Committee of Correspondence of Virginia.

1775.

[B. P. R. O. AMERICA & W. INDIES. VOL: 229. N° 90.]

Charlestown. May 15. 1775.

MY LORD,

Mr Irving Receiver General of His Majesty's Quit Rents for this Province put into my hands the enclosed Petition to the King with an apology for the paper on which it is written as truly representing the condition of the Petitioners which I presume to transmit in that humble dress rather than that they should lose time in its being returned to them in order to make its appearance in a form more suitable to the King's Majesty being confident that the Royal Goodness will discern and consider any reasonable request it may contain through every cloud of homely undress.

When the temporary Boundary Line between South and North Carolina was run in 1764. many who had received Grants of Land from the Govern^r of North Carolina were found to be South of the Line. Upon their application to me I thought and so advised

them if they entered their Grants in the Auditor's Office of this Province with a discharge from the Receiver General of His Majesty's Quit Rents in North Carolina, it would give them an equitable right to possess their Lands in quiet without further expence, as Justice would be done to the King in complying with the Terms of the Grant which many accordingly conformed to. But some Persons having by surprize obtained a Grant in this Province for Lands that had been granted by the Governor of North Carolina an ejectionment was brought and judgment given against the validity of the North Carolina Grant. This encouraged others to obtain Grants in the like ungenerous manner and thō the North Carolina Grantee deterred by this precedent yielded his possession, the hardship and equity of this case induced the Governor and Council to give what relief was in their power by publishing notice that such Grantees should have the preference of new Grants for these Lands. Many applied and received new Grants; others relying on the equity of their case obstinately refused. Thō the Deputy Surveyors were forbid to lay Warrants upon Lands so circumstanced many Grants were obtained by surprize as it was difficult for the Governor to discover such practises. By these means many North Carolina Grantees were ruined, all were much prejudiced. And lately a further mode of prevention has been adopted. Exceptions are inserted in Grants to make them void if they are for Lands formerly granted by North Carolina. As these may nevertheless be eluded, I beg leave humbly to suggest to your Lordship a means that would beyond doubt secure them in their possession which I would not presume to make use of without the Royal permission as it is disposing of the King's land. It is to establish and confirm all such Grants to the Grantee, or Person holding under him, which have not yet been new granted by the Governor of this Province, by an Act of the General Assembly which is submitted to your Lordship's consideration.

I have nothing new to add to my last letter relative to the Proceedings of the discontented in this Province. They continue in the same temper. The account of the Skirmish or Engagement between the King's Troops and the Provincials of Massachusetts near Lexington on the 19th of last month seems to produce effects here very different from intimidation.

On the 10th instant Barnard Elliot Esq^{re} resigned his seat as a Member of his Majesty's Council.

I have the honor to be with the greatest respect,

My Lord

Your Lordships

Most obedient and

Most humble servant

W^m BULL.

To the right hon^{ble} the Earl of Dartmouth his Majesty's Principal Secretary of State for America at Whitehall.

[B. P. R. O. AMERICA & W. INDIES. VOL: 229.]

In Lieu^t Gov: Bull's (N^o 90.) of 15th May. 1775.

To the King's most Excellent Majesty in Council.

The humble Petition of sundry of your Majesty's dutiful and loyal subjects, being Freeholders of Lands, by virtue of your Majesty's Letters Patents under the Great Seal of the Province of North Carolina, which Lands by the extending and establishing the late Boundary Line between the Provinces of North and South Carolina in pursuance of your Majesty's Orders in Council have fallen within the limits of the said Province of South Carolina. Sheweth,

That until the extending and establishing the said Boundary Line to the Westward, as far as the above said Lands the same Lands were generally deemed and taken by the Inhabitants of both the said Provinces to be within the limits of the said Province of North Carolina.

That prior to any extension of the said Boundary Line, as far Westward as the said Lands your Petitioners in order to settle and subsist themselves and their Families, applied for and obtained Grants of the same Lands by your Majesty's Letters Patent under the Great Seal of the said Province of North Carolina and in consequence thereof did settle cultivate and improve the same.

That by the late Establishment of the said Boundary Line the same Lands thus granted by your Majesty to your Petitioners have fallen within the Limits of the said Province of South Carolina.

That your Petitioners thereupon most humbly conceived that no further authentication of your Majesty's said Grants were necessary for the quieting them in the peaceable enjoyment of their said Lands than the entering a Memorial thereof and of the mesne conveyances thereupon in the Office of your Majesty's Auditor General of the said Province of South Carolina as this Measure must effectually ascertain where and by what authority your Majesty's Quit Rents and the Arrearages thereof due for and accruing on the same Lands are to be collected and received.

That your Petitioners have in consequence thereof procured Memorials of the said Grants and of the mesne Conveyances thereupon to be entered, or have tendered the same to be entered, in the said Office of your Majesty's Auditor General of the said Province of South Carolina. But

That your Petitioners to their Great concern are notified by Proclamation and Instruction from your Governors of South Carolina that the Officers employed in your Majesty's Land Office in that Province do require that your Petitioners should be at the further trouble and expence of surrendering your Majesty's said Letters Patent for granting the said Lands under the great Seal of the said Province of North Carolina and of procuring thereupon new Grants of the same Lands from your Majesty under the Great Seal of the said Province of South Carolina, or otherwise that the said Lands shall be deemed vacant and liable to be granted to any other Persons applying for the same.

That your Petitioners are apprehensive that such surrender of your Majesty's said old Grants and procuring of such new Grants will not only be attended with great trouble and expence but with manifest injustice and oppression to your Petitioners as such a measure will probably open a door to great litigation suits and controversies relative to the Title of the said Lands by reason that Grants thereof may have been obtained by other Persons under the Great Seal of the said Province of South Carolina subsequent to your Majesty's said old Grants but prior to such new Grants.

That your Petitioners conceive that in consequence of such new Grants the Revenue arising to your Majesty from the Quit Rents due and accruing on the said Lands may suffer considerable diminution as many years Quit Rents on some of the said old Grants

are now in arrears and therefore that the aforesaid Officers employed in your Majesty's said Land Office in South Carolina will be the only persons benefitted thereby.

Your Petitioners thereupon most humbly pray that in consideration of the Premises your Majesty will be graciously pleased to make such order in Council for the relief of your Petitioners as may effectually tend to quiet and establish them in the peaceable possession and enjoyment of their said Lands and their Habitations and Improvements thereon. And your Petitioners as in duty bound shall ever pray &c

ROBERT THOMAS.
ELIJAH WELLS.
JOHN PORTMAN.
TOBIAS POASTLAT.
GEORGE ANSON.
JOHN GRINDLE.
THO^s NICHOLS.
CHARLES HAMES.
ROBERT WILKINS.
WILLIAM FAWCETT.
JONAS EVANS.
JOHN DENARD.
JOHN SCRAGS.
JOHN TIMMONS.
THO^s TIMMONS.
JOSEPH BURTCFIELD
JOHN WEDINGMAN.
DAVID ALLIN
JOS^s M COOLL
CHRISTOPHER SNEAD
JOHN YOUNG
JAMES WOOD
JOHN WOOD
MOSES WOOD
WILLIAM WOOD
JEAMES BURTCFIELD.
OBEDIAH OLIPHANT
ROBERT MORE
JOHN CLARK

ALEX: MARTIN.
SAMⁱ SPENCER.
JOHN FAGERT.
J^{no} KIRKCONELL.
THO^s NEEL.
JOHN DUNN.
JAMES COOK.
HENRY WRIGHT.
ROB^t LUSK.
JOSEPH MOON.
JAMES LUSK.
WILLIAM SMITH.
JOHN GOUDYCOCK.
TOBY DOCOBERRY.
JAMES M^dDADE.
HUGH ROSS
WILLIAM JOHNSON
GEORGE WEBB.
ADAM GOUDYCOCK.
HUGH QUIN
W^m SOLDIE
WILLIAM GASTON.
JOHN THOMAS.
ROBERT PATTON
PETER PATTERSON.
JAMES PATTERSON.
ROBERT BLACK
ROBERT LOONEY
THOMAS WADE

| | |
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| ALEXANDER KILPATRICK | JOHN BEARD |
| JOHN M ^c GIN | WILLIAM CLINTON |
| PATRICK MORY | NUBERY STOCKTON |
| JOHN MAYFIELD | DAVID NEEL |
| JAMES STEIN | ROBERT LOWRY |
| MATTHEW ROBERTSON | MATT: FLOYD. |
| JOHN MOOSE | JAMES HOPE. |
| ROBERT EVANS | JAMES WILSON. |
| - JAMES M ^c BEE. | DAVID WATSON |
| ELIJAH WATTS | JAMES PATERSON |
| JOHN STEON | W ^m M ^c ELVEE |
| JOHN SHIPPEY | JAMES TEMPELTON |
| THOMAS MORTON | THOMAS CLARK |
| SAMUEL BLAN | JOHN WATSON. |
| ROBERT M ^c MILLUM | WILLIAM WATSON |
| THOMAS KEEN | JOHN CHAMBERS |
| MATTHEW PORTER | JAMES SMITH |
| WILLIAM VINES | RICHARD PRICE |
| JOHN MOSS. | WILLIAM WILSON. |
| MATTHEW MOSS. | JOHN MANER |
| SAMUEL MOSS | JOHN DORTIN |
| MOSES QUAWLE | THO ^s MANER |
| EPHRAIM CLARK | HUGH HORTON |
| HENRY CLARK JUN ^r | ROBERT BLACK |
| ISAAC PARKER. | GEORGE JULIAN |
| JACOB BARNES | WILLIAM CARR |
| JONATHAN KILKEE | HENRY SMITH |
| J ^{no} M ^c ALEXANDER. | ABRHAM SMITH |
| ROB ^t PATERSON | WILL ^m SMITH |
| ROB ^t PATERSON JUN ^r | J ^{no} SMITH. |
| WILLIAM LAMPLIN | GIDE SMITH |
| NATHANIEL PORTER | DANEL SMITH |
| JAMES REED | J ^{no} SHIPEY |
| WILL ^m M ^c ADOW SEN ^s | JASCOB GARNER |
| WILL ^m M ^c ADOW JUN ^r | WILL ^m WILLSON |
| DAVID M ^c ADOW | JOSEPH KILPATRICK |
| ARTER M ^c ADOW | MATT: FLOYD |
| JAMES M ^c ADOW | WILL ^m M ^c MULON |
| DAVID BYERS | NATHANIEL GITES |

| | |
|---------------------------------|------------------------------------|
| DANEAL M ^c CAPON | J ^{no} LOVLADAY |
| DANIEL M ^c CLEWEN | MARSHEL LOVELEDAY |
| DAVID PORTER | FRANCES WILLKEY |
| CHARLES GILLHAM | DAVIS MITCHEL |
| EZEKIEL GILLHAM | FRANCES MITCHEL |
| GILBERT DUNLAP | JOHN M ^c MULON |
| THOMAS GILLHAM | W ^m M ^c COUN |
| WILLIAM GILLHAM | GEO : M ^c COUN. |
| JAMES GILLHAM | JOHN MORHEAD |
| THOMAS GILLHAM SEN ^r | RICHARD ROSE |
| MATTHEW CLARK | HUH ROSE |
| JOHN DAVIDSON | J ^{no} THOMPSON |
| ROBERT M ^c CORDAY | JAS : STEN. J ^{no} STEN. |
| ROBERT LOIKEREG | WILL ^m STEN. |
| JAS : DAWEN | ROBERT LUSKE |
| THO ^s BRANDON | J ^{no} HINDMAN. |
| JAMES SCOTT. | |

[P. R. O. AMERICA & WEST INDIES VOL. 112 PAGE 37.]

At the Court at S^t James's
the 26th day of May 1775.

Present

The King's most Excellent Majesty in Council

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations, dated the 11th of this instant, setting forth that there is a vacancy in His Majesty's Council in the Province of North Carolina, by the Resignation of Robert Palmer Esq. and William Palmer Esq. his son having been recommended to them as a person every way qualified to serve His Majesty in that station, the said Lords Commissioners therefore propose that he may be appointed of His Majesty's said Council in the room of the said Robert Palmer Esquire. His Majesty in Council approving thereof is pleased to order, as it is hereby Ordered, that the said William Palmer Esq. be constituted and appointed a Member of His Majesty's said Council in the Province of North Carolina, in the room of his Father the said Robert Palmer Esquire, and that the Right Honourable the Earl of Dart-

mouth, one of His Majesty's Principal Secretaries of State, do cause the usual Warrant to be prepared for His Majesty's Royal Signature accordingly.

STEPH: COTTRELL.

(ASHE, HARNETT AND HOWE TO SAMUEL JOHNSTON.)

Wilmington 29th June 1775

For the third time, Dear Sir, we take the Liberty to address you, & to solicit that you would oblige us, & serve your country so far, as to call a provincial Congress; the Circumstances of the times, the expectations of the people in this Country, as well as the intimations we have received from Mr. Hooper require it, and these are inducements which we doubt not your patriotic Disposition will think sufficient. We therefore rely that you will immediately order a Convention, & that you will oblige us with the earliest Information as to the place and time; Let us now, Dear Johnston, reproach you for not obliging us with a line in answer to our former letters, & then with that regard that we truly bear you Sub-scribe ourselves

Dear Sir,

Your most obedt. hb. Servts

JOHN ASHE

CORN. HARNETT

ROBERT HOWE

P. S.

It is by desire of the Committee for the District of Wilmington that we write this letter.

To Samuel Johnston Esqr.

A Letter from Newbern, North Carolina, dated Sept. 22, 1775, says, "This week will ever be remembered as the most remarkable epoch in the annals of this country, for the discovery of the grand repository and dark depositum of Governor Martin's infernal magazine, which, with cool deliberation, he intended to deal out in missive weapons of death to the good people of this province. In the palace garden, and under a fine bed of cabbage, was found and dug up a barrel, conaining about three bushels of gunpowder; in

the palace cellar was also dug up two quarter casks of the same commodity, the casks quite new, and marked R. B. In the palace garden was also dug up about 1000 weight of musket balls, lately cast, about 500 weight of iron swivel balls, a large quantity of small shot, lead, iron, worms for the cannon, with swabs, rammers, artillery boxes, matches, and the whole apparatus for his park of artillery, which he certainly would have mounted at the Palace, had not the appearance of the people of Newbern, on his attempting to move the Palace guns, driven him from the trenches before he had made them quite tenable. It is said his Excellency, the night before he took his precipitate flight from the Palace, buried these engines of death, as they might remain in places of safety till he or his creatures might have an opportunity to use them. The Palace cannon, it is said, were spiked up after his Excellency left the Palace, by a person who will no doubt, be obliged to answer for his conduct, as it is improbable the Governor could procure those deadly weapons without assistance. The Committee of this town and country are using their utmost diligence to discover the authors of so black a treachery."

[B. P. R. O. AM : & W. IND : VOL : 222.]

(Order suspending Samuel Johnston as Naval Officer.)

In Gov : Martin's (N^o 8.) of 17th May 1777. (4.)

Cruizer Sloop of War in Cape Fear
River. October 7th 1775.

SIR,

Notwithstanding the respect I have entertained for your private character, notwithstanding my repugnance to oppose to its merits your conduct in public and political transactions during the present unnatural unhappy and much to be lamented contest between Great Britain and her Colonies which my long forbearance towards you must have evinced you have reduced me to the necessity I wished to have avoided by choosing between the two disagreeable alternatives of testifying my disapprobation of your conduct officially or taking upon myself the guilt of conniving at the undutifull behavior of one of the King's servants which last being utterly inconsistent with my ideas of the duty I owe His Majesty I cannot hesitate to make my election of the former however painfull my respect for M^r Johnston makes that decision.

I have seen with astonishment your late appearance in the conspicuous character of Moderator of a popular Assembly unknown to the laws and Constitution of this Province and summoned and convened by yourself and I have seen with greater surprise if possible your acceptance of the appointment of Treasurer of the Northern District of this Colony unconstitutionally and contrary to all law and usage conferred upon you by this Body of your own creation on whose other acts so derogatory to the just authority of the King and so utterly subversive of the Constitution of this country I shall not here enlarge although I do most sincerely and unceasingly deplore them. Your conduct in these instances Sir I am bound to consider such manifestations of your undutifullness to His Majesty and His Government and such an avowal of your participation in the present fatal disorders of this Country as render it altogether unfit and inconsistent with my duty to the King to permit you to continue Deputy Naval Officer of this Province and I am to inform you that I have accordingly appointed M^r Archibald Neilson to supersede you as Deputy Naval Officer of this Colony from which office you are hereby suspended until His Majesty's Royal Pleasure shall be known.

I am
Sir
your most humble servant
JO: MARTIN.

(A true Copy.)
JO: MARTIN.

[B. P. R. O. AM: & W. IND: VOL: 222.]

In Gov: Martin's (N^o 8) of 17th May 1777 (3.)

Edenton. November 16th 1775.

SIR,

I have this day had the honour of receiving your Excellency's letter signifying that you had been pleased to suspend me from acting as Deputy to M^r Turner in the Naval Office with the reasons for such removal and it gives me pleasure that I do not find neglect of the duties of my Office in the catalogue of my crimes.

At the same time that I hold myself obliged to your Excellency

for the polite manner in which you are pleased to express yourself of my private character you will pardon me for saying that I think I have reason to complain of the invidious point of view in which you place my public transactions when you consider the late meeting of the Delegates or Deputies of the Inhabitants of this Province at Hillsborough a Body of my own creation. Your Excellency cannot be ignorant that I was a mere instrument on this occasion under the direction of the people, a people among whom I have long resided who have on all occasions placed the greatest confidence in me to whose favourable opinion I owe everything I possess and to whom I am bound by gratitude (that most powerful and inviolable tie on every honest mind) to render every service they can demand of me in defence of what they esteem their just rights at the risque of my life and property.

You will further Sir be pleased to understand that I never considered myself in that honourable light in which you place me *One of the King's servants*. Being entirely unknown to those who have the disposal of the King's favours I never enjoyed, nor had I a right to expect, any Office under His Majesty. The office which I have for some years past executed under the deputation of Mr Turner was an honest purchase for which I paid punctually an annual sum which I shall continue to pay 'till the expiration of the term for which I should have held it agreeably to our contract.

Permit me, Sir, to add that had all the King's servants in this Province been as well informed of the disposition of the Inhabitants as they might have been and taken the same pains to promote peace good order and obedience to the laws that I flatter myself I have done the source of your Excellency's increasing lamentations had never existed or had it existed it would have been in so small a degree that 'ere this it would have been nearly exhausted but Sir a recapitulation of past errors which it is now too late to correct would be painful to me and might appear impertinent to your Excellency I shall therefore decline the ungrateful Task and beg leave with all due respect to submit myself

Sir, your Excellency's
most obedient humble servant

SAM^L JOHNSTON.

(a true Copy)

JO: MARTIN.

[B. P. R. O. AMERICA & W. INDIES. VOL: 229.]

In Lord W^m Campbell's (N^o. 10.) of 1st January 1776.

Cherokee Armed Ship.
in Rebellion Road. 1. Dec: 1775.

SIR,

In the present critical and distressed situation of Affairs I cannot express how happy I think myself in meeting your Excellency in this Province a Pleasure I have long and ardently wished for. A mature consideration of the state of the two Carolinas and Georgia will I conceive make it very apparent that every rebellious measure which has been adopted in this part of the Continent originated in Charleston and should we be able with our little Force to make any impression here I am convinced it would be attended with the best consequences not only in this but in the neighbouring Governments. As this is my firm opinion I most sincerely hope that while we have any prospect of effecting this great point your Excellency will agree with me in thinking our Force should not be divided but should it be thought impracticable to do anything material in this Province I shall not hesitate a moment in going wherever the Kings arms can be employed to the greatest advantage. We are engaged Sir in one common 'cause and I have not a doubt but that we shall maintain the most cordial Friendship and you may command every information it is in my power to give that can assist you in judging on this occasion of the real state of this important Province.

I am with the greatest esteem
Sir, your Excellency's most obedient
and most humble servant
WILLIAM CAMPBELL.

To His Excellency
Josiah Martin Esq^r
Governor &c: &c:

[GOV. MARTIN TO LORD WM. CAMPBELL.]

Scorpion Sloop of War
in Rebellion Road. Dec: 1st 1775.

MY LORD,

I am honoured with your Excellency's letter of this day's date by the hand of Captain Innes and I feel myself sensibly obliged

by your Lordship's very kind and flattering expressions of your satisfaction on my arrival in this Province.

The pleasure I enjoy in meeting your Government I owe to the prevalence of your Lordship's instances with Captain Thornbrough to order the Scorpion Sloop of War from her station at N^o Carolina to this place that reduced me to the necessity of choosing between the alternatives of returning to my very inconvenient and streightened quarters on board the Cruizer Sloop whose little Force did not assure me of protection from the Rebels in that Colony or of coming hither in the Scorpion which I could not think myself justified in detaining there while I was taught to believe that danger so nearly impended or rather so closely pressed upon your Excellency and Captain Thornbrough. Amidst this choice of difficulties I determined on the latter part that the Scorpion might give such succour as your immediate exigencies should require and that I might at the same time concert some plan of operations for the restoration of His Majesty's Government in both our Provinces agreeable to your Lordships proposition to me by your letter of September on being made acquainted with the foundations of it and make my representations to your Excellency and to Captain Thornbrough on the Expediency of the Scorpion's return to her appointed station in North Carolina where the posture of affairs is so critical and in a state promising so great advantages to Government as to demand every cherishing support and all my most vigilant attention. In this situation of Things your Lordship I am persuaded will not be surprized that my satisfaction on meeting you here is not without alloy, arising from the anxiety and sollicitude of which I cannot possibly divest myself while I am conscious of being out of the sphere of my Duty to the King and when I consider that I am remote from my proper station which becomes every day more interesting and important and wherein I expect very soon to be enabled effectually to promote his Majesty's service.

It can little avail your Excellency or myself to inquire or to know where the now generally prevailing spirit of Rebellion in America originated. It is a melancholy Truth of which no evidence is wanting that at this day it is spread almost universally over this Continent that both our Provinces have received the fatal contagion and that they are deeply involved in all the crimi-

nality and guilt belonging to it ; and I flatter myself your Lordship will do me the justice to believe that I am most heartily willing and disposed to cooperate with your Lordship for the restoration of his Majesty's Government in the one and the other.

My duty to the King as Governor of North Carolina your Lordship knows necessarily makes the reclaiming that Province to obedience to Lawful authority the first object of my attention, next to that my wishes would lead me to make myself as much and as far useful as my humble abilities may render me to His Majesty's services in general and I should be particularly happy to find myself in any situation to be at all conducive to the success of your Lordship's endeavours to restore the authority of His Majesty's Government in this Colony. An impression made here or anywhere else my Lord at this time would produce extensive good effects without doubt and no opportunity of making it ought to be neglected but I am not acquainted with any means your Lordship has to make impression here in the present moment and your Excellency must be sensible from my representations of the state of North Carolina how unfit and unbecoming as well as how unjustifiable it would be in me to desert my Post there and to turn my back upon all my fair prospects of reducing that Colony to order on pretence of watching in your Excellency's Province and Department for possible or even probable remote favourable contingencies of which your Lordship expects to avail yourself for the restoration of the authority of Government here and that I may sincerely hope may accomplish all your good wishes.

As I do not understand that his Majesty's service can be at all promoted by the Scorpion's stay here at this time and as my Duty indispensibly and pressingly urges my return to North Carolina I have requested Captain Thornbrough to order the Scorpion to repair to her station forthwith, lamenting that I have it not in my power to spend more time with your Excellency at present.

I beg leave to repeat my assurances to your Excellency that I shall be happy on every occasion to cooperate with you for the advancement of His Majesty's Service and to maintain the kindest reciprocations of Friendship by every means of communication and correspondence.

I have the honor to be with the greatest respect

My Lord, your Excellency's
most obedient and most humble servant

J^o MARTIN

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Col. Robt. Howe's Letter to Provincial Council with sundry papers
Inclosed 30th Dec 1775

SIR,

I have not been able to get a Man to Ride Express to Johnston tho' I have been endeavouring it for several Days and now am obliged to send this Packet to Edenton to be forwarded from thence. This may be very surprising to you but we are shut out from all direct communication with Johnston Court House, so I am forced to take this round about way. Indeed I had nothing very important to communicate so that I was the less anxious about it, especially as I hardly expected to find you Sitting. I have directed Mr. Robert Smith of Edenton to forward this letter to the Council (if Sitting) by Express and if not to send it to the President wherever he may happen to be. I inclose you a Copy of a Resolution transmitted to me by the President of the Virginia Convention by which you will see the High sense that Honorable body entertain of the assistance sent them by our Province. I likewise send you a Copy of the Presidents letter in which it was Inclosed, in that you will observe the care they took to give credit to our Currency, in Consequence of some difficulties I found on my first arrival from the Tory Spirit of opposition in this Neighborhood, but as the money now passes with the readiest acceptance I shall not trouble them to Exchange it. I send you Sir several Copies of letters passed between Capt. Bellew of His Majesty's Ship the Liverpool, Lord Dunmore and myself. And I shall be happy if my conduct meets with the probation of your Honorable Board. The Liverpool is a large Frigate, with her came a store ship with 4000 stand of Arms and every other kind of military stores. We were informed they had mounted two Mortars, we therefore have been in Momentary Expectation of being Bombarded, they fired very smartly last night upon one of the Guards and tho' they shott thro' the Guard House and among the men not a man got hurt. Last night arrived a large Vessel and several less vessels on board of which some soldiers, they say, 300 are arrived. The men of war many times yesterday fired signal Guns which were distinctly answered from vessels in the Bay. I have sent scouting parties down the Bay to make obser-

vations, they are not yet returned I expect them with anxiety. Everything here wears the face of action, for which we are not so well prepared as I wish, the men we have are not enough to occupy a place so extensive as this is. Their duty is very fatiguing, to which the very cold and very wet weather has very much added, we shall however I persuade myself give a good account of them come when they will. Every circumstance conspires to demonstrate this colony will be the seat of war, and Norfolk a place of Arms. To those who have command of Navigation, it is the most advantageous situation I ever saw and Government would be wanting to itself should the Fatal policy of Enslaving America continue, did they not endeavor to obtain a place which would Barrack any number of troops and at once annoy two Colonies with the same number of men, I look up on it that Virginia and North Carolina must stand or fall together, and then if they fall Norfolk will be the cause of it.

I send you a copy of my letter in the Virginia Convention upon this subject, this will more fully explain my Sentiments upon this occasion. I have been long in expectation of Receiving your instructions Particularly as to Mr. McKnight. I inclose you two Depositions and if they are not enough can get fifty of the same sort. I induced Col Gregory and some other Persons to have an Eye to his Effects, and if Necessary to call out some of the minute Men and Militia rather than let his property be removed, I send you Col. Gregory's Letter just now received, Please let me be favored with your Instructions as soon as possible, you may be Assured it will be my Pleasure to obey them upon all Occasions. Our Commissary has hitherto supplied us with provisions, Please inform me if he is to Continue to do so. I am more anxious to hear from the Council than I can express, oblige me for God sake with a letter. I think it my Duty to mention how absolutely Necessary it is in my humble opinion to prepare for a defence at this Alarming Crisis, when Arms alone can give us safety. I lament when I reflect upon the Disarmed Situation of North Carolina, and can Sir assure you that when to-day I sent out by order of the Committee of Safety to Procure Arms for my own Regiment, the officers could find hardly any Inhabitants armed, and such as had Arms, not one in twenty fit for service, This Sir I take the Liberty to Mention, and in which I hope I have not Deviated from that

respect which I so truly bear to your Honorable Board. Virginia seems to grow out of conceit of the minute Battallions, and place their reliance upon Regulars of which they are going to raise several thousands, they are getting up workmen to make Arms, and are taking every method to procure Artillery and Ammunition, and are putting their Army upon the most Respectable footing. They expect every moment to be invaded and are sitting night and day to make preperation for it. Give me leave sir thro' you to present my Respectful Compliments to the Hon Council whose Orders I shall be happy to be favored with and to whom I hope my conduct has been agreeable.

I am Sir with the Greatest Respect,

Your most obedient humble servant,

ROBT. HOWE

Norfolk 30th Dec. 1775.

Maj. Hangerford admitting me to take a copy of Mr. Pendleton's letter please send me Back or a copy of it.

Since I wrote the above I have received the letter from Captain Bellew a copy of which and of my answer I send you. I have broke open the Pacquet to inclose them. the Inhabitants of the Town are to Evacuate on demand and I then imagine we begin to commence a different kind of correspondence.

[FROM JOHNSON'S TRADITIONS OF THE REVOLUTION, 1776.]

Tory Insurrection in South Carolina 1775.

The committee of Safety, as soon as they heard of the Cunningham's resistance, sent off orders to General Richardson, of the militia, and to Colonel William Thomson, of the rangers, to march forward and suppress it. Richardson was already advancing with eleven hundred men, and his forces were increasing every day. The Patriots of North Carolina, with nine hundred men, under Colonels Polk, Rutherford, and Caswell, joined him after he crossed the Saluda, and with other reinforcements, gave him the command of more than four thousand men. All opposition was considered desperate, but the royalist continued in arms, retreating under Patrick Cunningham into the Indian Nation, whose neutrality they supposed might protect them. The powder which they had seized was recovered, most of their leaders were arrested and

sent down to Charleston. Cunningham's party, when much reduced, was surprised in the Cherokee country, and many of his men captured; but he escaped on his horse, bare-backed.

[REPRINTED FROM THE REMEMBRANCE OF PUBLIC EVENTS 1776. Part 1.
Pages 110 and 111.]

The Provincial Congress of North Carolina broke up on Sunday the 10th of September, 1775, after having sat three weeks at Hillsborough: they have raised 1000 men, and have voted 50,000^l proclamation money to be immediately struck for the subsistence of the troops and 3000 minute men who are to be immediately enlisted: they have appointed a Provincial Council of Safety, consisting of 13 persons, with full powers to regulate the army, and in all things to act for the strengthening, securing, and defending the Colony, against the attempts of external and internal enemies; which Council is to meet at Johnston's court-house on the third Tuesday of this month, and every three months thereafter, if found necessary. Committees of safety, consisting also of 13 persons, are appointed for each district in the Province, who, under the control of the Council of Safety, are to direct the operation of the army; they are likewise, with the Council of Safety, to compel all debtors, suspected of intending to remove themselves out of the province, to give security to their creditors, and in default thereof, to cause the person or effects of such debtor, at the option of the creditor, to be secured till the creditors are satisfied.

1776.

[B. P. R. O. AMERICA & W. INDIES. VOL: 229. N^o 10]

Lord William Campbell to Earl of Dartmouth.

Cherokee Armed Ship in Rebellion Road.

1. January 1776.

MY LORD,

* * * * *

On the 30th of November the Scorpion with the Transport under her convoy arrived here having Governor Martin on board who I soon found had left Cape Fear only to secure the Scorpion's imme-

diate return. His situation has long been very disagreeable on board a very small sloop and it was natural for him to wish to keep the ship appointed to the North Carolina Station and he therefore applied to Captain Thornbrough to order the Scorpion immediately back which he did. I plainly foresaw the consequence of this step would be abandoning Charlestown Harbour I therefore thought it my duty to remonstrate against it but without effect and the Scorpion with the Transport and three vessels that had been stopped here sailed for Cape Fear leaving us in a worse situation than they found us, as the Rebels were greatly elated at their departure and the very next morning landed a body of men on Sullivan's Island where they never had ventured before, burned the only house upon it, consumed the little all of three poor families who had taken refuge there, carried off the people with two men belonging to the Cherokee who were ashore watering and destroyed their Casks. The day after the Rebels got some Guns upon the Main Land on the North side of the Harbour nearly opposite to the end of Sullivan's Island, off which, the King's ships lay and immediately threw up a work and erected a Battery of four eighteen Pounders. These circumstances which I clearly foresaw are so truly distressing to me as I could not agree in opinion with Governor Martin as to the comparative importance of the two Provinces, nor with the commanding Officer of the King's ships as to the Propriety of his conduct; that I will not dwell any longer upon the subject I only beg leave to transmit to your Lordship some letters that passed between Governor Martin, Captain Thornbrough and myself.

I can with the greatest truth assure your Lordship no consideration of any merit that might be attributed me from the first impression being made in his Majesty's Province under my command influenced my conduct: had I thought it would have been more conducive to the King's service I would have cheerfully served as a volunteer with M^r Martin in North Carolina rather than have divided our little Force but I cannot from what I have hitherto seen give up my opinion of the vast difference between the Provinces in wealth, strength and of course in the power of doing mischief I therefore must have good reason to make me think our whole puny Force ought not to have been collected in Charles Town Harbour to keep that Port open: leaving a small vessel to

cruise off Cape Fear to give necessary information to any King's ship that might arrive.

While I so freely declare my sentiments and my dissent from the proceedings in Rebellion Road, I have the pleasure to assure your Lordship, the only dispute that can be Mr Martin and me will be which of us can most effectually serve our most gracious Sovereign.

* * * * *

I have the honor to be with great Truth and Esteem My Lord
Your Lordships most obedient
and most humble servant

WILLIAM CAMPBELL.

To the

Earl of Dartmouth

(Rec^d 29th February.)

[HENRY LAURENS TO PROVINCIAL COUNCIL OF WILMINGTON.]

(From Collections of the Historical Society of South Carolina
Vol. 3. pages 142 & 143. Journal of the Council of Safety.)

Charles-Town, South Carolina Jan. 2nd, 1776.

GENTLEMEN—

Your several letters of the 20th and 25th Nov. and 9th Dec., and one of the 5th Dec., from the Committee of Safety for the district of Wilmington, are before this board. We return our thanks for the several important advices communicated to us, and we are particularly indebted to your colony for the assistance given, by provincials and militia under several North Carolina commanders, to Col. Richardson in his expedition against the insurgents on our western frontier. Those people are, we hope, effectually subdued; many of their leaders are in jail; others have fled the country; hundreds of the common class have surrendered their arms, and plighted their solemn promises to behave quietly for the future. The knot is broke, and we shall be watchful to prevent a reunion.

We wish it was in our power to assist you with the article of gun-powder, But as we are ordered by the continental representatives to defend Charles-town to the last extremity; and as we have undoubted intelligence that a formidable attack is very

soon to be made on this capital—we consider our stores very scanty, even for the purpose of defence—and we trust our people will exert themselves to such effect, as to make, if we are to be overpowered, the want of ammunition the last extremity.

We have various voyages in motion for procuring that article; and if your wants continue, you may depend upon sharing in our success, if one half of our vessels return agreeable to our expectations.

The Scorpion man-of-war has been here, and sailed again about a fortnight ago, with two Bermuda sloops and a coasting schooner, together with, as we are informed, thirty or forty negroes which Capt. Tollemache was pleased to seize while he was in Rebellion Road. From the time of such seizures, we resolved to supply the men-of-war with no more provisions; nightly maraudings and robberies on our sea-coast immediately followed; but those being soon well guarded, and a descent made upon Sullivan's Island, where the house thereon was burnt, and some important prisoners taken, the Tamar and Cherokee, together with the Sandwich packet and an armed schooner, have been reduced to a very small stock; these vessels, therefore, are now to remove from out of this harbour in search of provisions, and would have gone over the bar yesterday if the wind had not failed. We are told they are bound to the river Savannah—and we fear they have more mischievous schemes afoot than merely to obtain bread and beef—probably to protect ships loading there in violation of the General Association, and to overawe the friends of liberty. Mr. John Lot Phillips, we apprehend, did not come to Charles-Town, as we never heard of him. Had he appeared, we should have cheerfully rendered the services which you desired. We have been frequently spurred on to preparations for defence, by such reports as you had received of ships and fleets on our coast. Hitherto, however, we have remained quiet from the sea board. But no doubt the day will come; the longer it is postponed the better, we shall be provided against it. We have no great powers, and, therefore, make no boast—such as we have we trust will be fully and properly exerted.

The bearer of this Capt. Alex. Wyllly, is the owner of the schooner which Capt. Tollemache conducted from hence, as Mr. Wyllly learns from North Carolina, in order to obtain a condemnation in admiralty.

He is satisfied in himself, that there is no foundation for condemning the vessel, and, therefore, intends to lay a claim, and hopes for success. He has procured recommendations, from some of his friends here to merchants in your colony. We beg leave to recommend him to your countenance, and such protection as you can afford to an unfortunate man brought to poverty by our common enemy.

By order of the Council of Safety.

HENRY LAURENS, President.

Provincial Council of Wilmington, N. C.

[B. P. R. O. AM: & W. IND: VOL: 222.]

(M. Moore to Gov. Martin.)

In Gov: Martin's (N° 8.) of 17th May 1777. (1.)

Wilmington Jan^{ry} 9th 1776.

SIR,

It appears from the King's speech to Parliament of the 26th of October last that the military operations which will probably be pointed against America in the Spring are founded on the principle of retaining the constitutional dependance of the Colonies and preventing them from establishing an independant Empire of their own I am further confirmed in this opinion by a passage in Lord North's speech to the House of Commons (which Doctor Cobham assures me he saw) in which he says that administration wishes for no more than that the Colonies should be put upon the same footing they were in the year 1763. If I am right in my construction of His Majesty's Speech I wish your Excellency would give this unhappy Colony an opportunity of renouncing every desire of independency on the present state and asking the favour of its' Sovereign and a reconciliation with their fellow subjects at home on the terms Lord North says the administration will be satisfied with I verily Believe Sir should your excellency think it proper to call an Assembly it will be found to be the sence of this Province that it is the duty of all the Colonies to submit and to return with cheerfulness to the same political condition they were in in the year 1763.

I wish your Excellency would favour me with your Sentiments on the subject of my letter as soon as may be

I am Sir

your Excellency's

most obedient and

most humble servant

M. MOORE.

(A true copy)

JO: MARTIN.

[FROM RECORDS IN OFFICE OF SEC. OF STATE]

To the Hon^{ble} the Provincial Council of Safety of North Carolina
from The Hon^{ble} the President of the Convention of Virginia
Letter 10 Jan. 1776 respecting Col. Howe's spirited Conduct.

Williamsburg Jan^y 10th 1776

GENT.

The Convention of Virginia have received your polite favour of the handed to them by Col. Howe. And I am commanded to make their acknowledgements for the very Friendly and well timed Assistance afforded this Colony and the Common Cause in the March of that Gent & your Troops to our Assistance at Norfolk. The Success was important, and if it may not seem unnecessary to speak of this worthy Officer to you, Gent, we can with equal truth and pleasure assure you, he has in everything conducted himself like a brave, prudent & spirited Commander, and given general Satisfaction to the Country and Army. Pleased however as we are with his Services and sensible of their great advantage, we shall provide for his relief as soon as possible, lest you should be attacked in his absence and receive Injury by your kindness to us.

I am

with great respect

Gent.

Your most Obed. Serv^t.

EDMD. PENDLETON

Presid^t of the Convention.

[FROM JOURNAL OF THE COUNCIL OF SAFETY (Vol. 3, pages 237-238.)]

Charles-Town, South Carolina, 30th January 1776.

Gentlemen—We are favored with your letter of the 24th ult., by the hands of Waightstill Avery, esquire, to which we have paid all possible attention and regard, by consenting, out of our very small fund of gunpowder, to supply your colony with one thousand pounds weight; which, according to Mr. Avery's arrangement, we have ordered to be delivered from George-Town and Camden stores, viz: seven hundred pounds on the Committee of George-Town, and three hundred pounds by Col. Richardson or Mr. Joseph Kershaw, at Camden. Your order to the Committee to whom we have written, at George-Town, will be complied with; Mr. Avery will take charge of that which is to go from Camden.

We are extremely sorry that we cannot send you the full quantity which you require. Two days before Mr. Avery's arrival we received a most pressing demand from Savannah, in Georgia, for 5000lb, claimed in return for a loan. We had it not in our power to repay (if it was due) more than 2000lb. This unexpected demand was made in consequence of menaces from the Commodore of the ships-of-war at Cockspur to burn Savannah, and has proved a bar to further supplies to you. We had indeed received, some months ago, 5000lb powder from Georgia, but the whole was forwarded to Philadelphia for the use of the Continental army. These several circumstances have really impoverished us at a juncture when we, also, are threatened with severe attacks, against which we are preparing to make a proper defence. We have many vessels abroad in search of the necessary article, and we give great encouragement to the manufacture of saltpetre and gunpowder. We lately paid a premium for the first fifty pounds produced at one works. If every planter and farmer would devote a very little of the time and labour of his servants to the manufacture of that article, America would not require supplies of gunpowder from abroad.

We wrote you the 2nd Inst. by a Capt. Wylly, who was going to your Colony in order to claim a schooner which Capt. Tollemache had seized from him; but having heard on his journey that the schooner had foundered in the intended voyage to Cape Fear, he

turned back, but assured us he had forwarded our letter by a safe hand.

By order of the Council of Safety.

HENRY LAURENS, President.

[VOL. 3, PAGE 241.]

Provincial Council, North Carolina.

The following memorandum was delivered to Waightstill Avery esqr., "1000 lbs. gunpowder from South Carolina to North Carolina. Cost 37s 6d per lb., £875; equal to \$1154, and 5s over."

In the Council of Safety, at Charles-Town, 31st January, 1776

HENRY LAURENS, President.

"Draughts to be made payable to the order of Congress, or the Council of Safety, for the time-being, of South Carolina, and remitted to the Treasury in Philadelphia—subject to the order of such Council of Safety or Provincial Congress."

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Continental Resolve respecting the exporation of Naval stores from Colony to Colony

In Congress

Tuesday February 13th 1776

Resolved that when Naval Stores shall be wanting in any of the United Colonies, the Assembly Convention, or Committee of Safety of such Colony may intrust a proper person or persons to Import the same taking sufficient security of him or them that they will faithfully use their best endeavours to import the same, into such Port or Ports as the said Assembly, Convention, or Committee of safety shall direct, and as much as possible to avoid all British men of War and matters giving him or them a certificate or certificate of the Naval Stores wanted, and also of his having given the said security and that it will be Recommended to the Convention, Council of Safety and Committees of observation and Inspection of North Carolina, upon receiving such certificates to permit the person or persons producing the same, to export the Naval Stores wanted by the Colony applying for the same, to such Colony.

It is further recommended to the said Convention Council of Safety Committees of Inspection and observation in North Carolina to give permission to such Vessels as may have arrived in that Colony for those Articles or such of the vessels belonging to that Colony as they may think proper, to export Naval Stores to any of the United Colonies they taking security as in the other cases above mentioned

Extract from the minutes

[FROM JOURNAL OF the COUNCIL OF SAFETY, VOL. 3 PAGES 260 & 261]

(Collection of the Historical Society of South Carolina.)

In the Council of Safety,
Friday, 16th Feb., 1776.

The Council met.

The following orders were drawn on the colony treasury—to pay:

To Col. Thomas Polk, for pay and rations of the North Carolina volunteers on the expedition under Col. Richardson, and for rations to Col Martin's detachment—to be charged to Col Richardson's expedition £16,005.06.00.

262. To Col. Robert Lanier for rations and waggons, for Col. Rutherford, Col. Graham and Col. Martin's regiments from North Carolina on Col. Richardson's expedition, £2,590.06.00.

263. To Col. Richardson, for discharging the pay of a detachment from Col. Griffith Rutherford's regiment from North Carolina, on Col. Richardson's expedition, and for rations and wagon hire, £888.00.00.

[VOL. 8 PAGES 87 & 88]

(Edmund Pendleton to N. C. Council of Safety.)

W's burg, 17th February, 1776.

GENT'N :

Your favor of the 14th came to us last night, its intelligence is truly alarming, and seems to be the beginning of a scheme mention'd in the papers to be formed by admin. of sending troops early to attack your province and ours, which Gov. Martin had promised

to second by raising a number of men with you ; however this be, it is prudent that we should unite in the exertion of all our powers to suppress it as soon as possible. Powder is scarce with us, we could not, however, avoid sending you a part of our small stock, and have delivered ye messenger 500 lbs. to be returned in kind, if supplies enable you, otherwise to be paid for at ye price we give. Of lead we had no large quantity here, and besides, apprehend it would retard your messenger's return unnecessarily to send your proportionate quantity of that ; we therefore only send 500 lbs. for immediate use, not doubting but every house will afford assistance if necessary in that article. Our regulars are raising fast, but none of them embodied except ye two old regiments stationed here and at Suffolk, from whence circumstances will not admit of their being sent, and we can only assist you in men from Militia or volunteers from the counties bordering on you, all of whom we are persuaded, you will find ready to afford you any assistance in their powers. From Pitsylvania and Mecklenburg, we had received intimations of their expecting such a call and inclination to go to your assistance, and had our orders to be ready for a march, when you called for them ; from the former you may expect some of our best Riflemen. Great as we consider the benefits derived to us from the command of Col^o Howe, we can't think of detaining him a moment when he is so much needed in his own Country, we shall therefore send an express to him with your dispatches, and request him to repair to you with all Expedition.

We wish you great success, and are,

Gent., Y'r most obed't serv't,

EDM'D PENDLETON, Presd't.

The Committee also sends copies of the said dispatches to Col. Howe in the following Letter.

W'mburg, February 18th 1776.

SIR :

We last night received fromm ye Halifax Town, the dispatches of which I have now the honor of inclosing you copies. We out of our small stock of ammunition, could avoid sparing 500 lbs. and some lead, we'h their messenger has received. Our counties

bordering on your province, we are persuaded, will cheerfully march to their assistance, the moment they are called on, and are the more strongly assured of this from having received intimations of what is now doing—from our counties of Pitsylvania, and Mecklenburg, and their wishes to be allowed to march to ye assistance of their neighbors, w^h we directed them to hold themselves in readiness for and to go whenever called on, these I hope are already with you, and from the former you will get some of our best Riflemen. You'l observe Sir, wth what friendly politeness they request y'r return. We should be wanting in Gratitude, as well as every other feeling, if we impeded this reasonable requisition and cont'd to retain the great benefit of your judicious and experienced command when y'r own country so much requires your assistance; this comm'ee therefore cannot hesitate in beseeching you to repair to them as soon as you can make it convenient, and to accept their reiterated thanks for the eminent services you have rendered the common cause and this colony, in particular during the time we have been fav'd with y'r assistance. Anything you may think of further service you'l please to communicate to Lieut. Col^o. Scott, upon whom the command will devolve. You'l also judge whether it is most for the common good, to leave y'r men or any of them, or carry them home; if you should judge our numbers too small to secure the post, and on that account leave y'rs for the present, we hope they may soon be relieved, as we have ordered the regular companies designed for that station to repair thither as fast as raised.—Or Col^o Scott may perhaps call in militia for the present, to save the necessity of your men staying, who no doubt will be anxious to return with you. You'l be so obliging as to give our Commissary a proper certificate to entitle us to a credit with the Continent, for any provisions he may have furnished your troops. I wish you health and that you may soon crush those vile wretches, who are endeavoring to destroy a Country, which has fostered them. For and by order of the Committee of Safety, I have the honor to be with great regard.

Sir, Your most obed't servant

EDM'D PENDLETON, President.

[FROM JOURNAL OF COMMITTEE OF SAFETY OF VIRGINIA. VOL. 8 PAGE 87]

Sunday, 18th February, 1776.

Present: Mr. President, Mr. Page, Mr. Jones, and Mr. Walker.

Tho' there were not a sufficient number of members to make a comm'ee, yet important advices arriving from North Carolina, the above members thought it necessary for the public service to proceed therein, subject to the future controul of the comm'ee.

Ordered, that 500 lbs. powder and 500 lbs. Lead be delivered to Mr. Wm. Amis for the use of the province of North Carolina, the powder to be repaid in kind, if it can be done, or paid for at the price we give, and an Escort of 4 men thereto is allowed: and the following letter was written to Col. Long, &c:

From the New-England Chronicle, Boston, Thursday April 25, 1776.

The following letters passed between General Moore, and the Tory General M'Donald, before the battle of Moore's Creek.

A letter from Donald M'Donald, Esq: lately elected Brigadier General in the Tory Army by Governor Martin, to Brigadier General Moore.

SIR:

I herewith send the bearer, Donald Morrison, by advice of the Commissioners appointed by his Excellency Josiah Martin, and in behalf of the army now under my command, to propose terms to you as friends and countrymen. I must suppose you unacquainted with the Governor's proclamation, commanding all his Majesty's loyal subjects to repair to the King's royal standard, else I should have imagined you would ere this have joined the King's army now engaged in his Majesty's service. I have therefore thought it proper to intimate to you, that in case you do not, by 12 o'clock tomorrow, join the royal standard, I must consider you as enemies, and take the necessary steps for the support of legal authority.

I beg leave to remind you of his Majesty's speech to his Parliament, wherein he offers to receive the misled with tenderness and mercy, from motives of humanity. I again beg of you to accept the proffered clemency. I make no doubt, but you will shew the gentlemen sent on this message every possible civility; and you

may depend in return, that all your officers and men, which may fall into our hands shall be treated with an equal degree of respect. I have the honor to be, in behalf of the army, Sir, Your most obedient humble servant.

DON. M'DONALD.

Head Quarters, Feb. 19, 1776,

His Excellency's Proclamation is herewith enclosed.

Brigadier General Moore's Answer.

SIR :

Yours of this day I have received, in answer to which, I must inform you that the terms which you are pleased to say, in behalf of the army under your command, are offered to us as friends and countrymen, are such as neither my duty or inclination will permit me to accept, and which I must presume you too much of an officer to accept of me. You were very right when you supposed me unacquainted with the Governor's proclamation, but as the terms therein proposed are such as I hold incompatible with the freedom of Americans, it can be no rule of conduct for me. However, should I not hear farther from you before twelve o'clock tomorrow by which time I shall have an opportunity of consulting my officers here, and perhaps Col. Martin, who is in the neighborhood of Cross Creek, you may expect a more particular answer: meantime you may be assured that the feelings of humanity will induce me to shew that civility to such of your people as may fall into our hands, as I am desirous should be observed towards those of ours, who may be unfortunate enough to fall into your's. I am, Sir, your most obedient and very humble servant,

JAMES MOORE.

Camp at Rockfish, Feb. 19, 1776.

From Brigadier General Moore to Brigadier General M'Donald:

SIR :

Agreeable to my promise of yesterday, I have consulted the officers under my command respecting your letter, and am happy in finding them unanimous in opinion with me. We consider ourselves engaged in a cause the most glorious and honourable in the world, the defense of the liberties of mankind, in support of which we are determined to hazard everything dear and valuable and in

tenderness to the deluded people under your command, permit me, Sir, through you to inform them, before it is too late, of the dangerous and destructive precipice on which they stand, and to remind them of the ungrateful return they are about to make for their favourable reception in this country. If this is not sufficient to recall them to the duty which they owe themselves and their posterity inform them that they are engaged in a cause in which they cannot succeed as not only the whole force of this country, but that of our neighboring provinces, is exerting and now actually in motion to suppress them, and which must end in their utter destruction. Desirous, however, of avoiding the effusion of human blood, I have thought proper to send you a test recommended by the Continental Congress, which if they will yet subscribe we are willing to receive them as friends and countrymen. Should this offer be rejected, I shall consider them as enemies to the constitutional liberties of America, and treat them accordingly.

I cannot conclude without reminding you, Sir, of the oath which you and some of your officers took at Newbern, on your arrival to this country, which I imagine you will find is difficult to reconcile to your present conduct. I have no doubt that the bearer, Capt. James Walker, will be treated with proper civility and respect in your camp.

I am Sir, your most obedient and very humble servant,
JAMES MOORE.

Camp at Rockfish, Feb. 20, 1776.

From Brigadier General M'Donald to Brigadier General Moore.
SIR:

I received your favor by Captain James Walker, and observed your declared sentiments of revolt, hostility and rebellion to the King, and to what I understand to be the constitution of the country. If I am mistaken future consequences must determine; but while I continue in my present sentiment, I shall consider myself embarked in a cause which must, in its consequences, extricate this country from anarchy and licentiousness. I cannot conceive that the Scotch emigrants, to whom I imagine you allude, can be under greater obligations to this country than to the King, under

whose gracious and merciful government they alone could have been enabled to visit this western region: And I trust, Sir, it is in the womb of time to say, that they are not that deluded and ungrateful people which you would represent them to be. As a soldier in his Majesty's service, I must inform you, if you are to learn, that it is my duty to conquer, if I cannot reclaim, all those who may be hardy enough to take up arms against the best of masters, as of Kings. I have the honor to be, in behalf of the army under my command,

Sir, Your most obedient servant,

DON. M'DONALD.

To the Commanding Officer at Rockfish.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Col^o Purveances proceeding at Wilmington.

Wilmington, 29th Feb. 1776.

Gentlemen

Since I had the Honer to write to you last Saturday, the Cruiser Sloop of War with three other armed vessels arrived in view of this Town, on monday evening. The next morning Governor Martin made a demand of One thousand Pounds of Flour. And Captain Perry Informed the Inhabitants that he should come up in the Evening to know the reason why the King's Shipes had not been supplied with Provisions, as usual. The Committees gave answer to both these Messages. The Governor replyed and was again answered, and Captain Perry sent a Note Yesterday for some fresh Beef. I have transmitted you Copies of the papers which past on this occasion and I hope what have been wrote by the Committee will meet with your approbation. It is worthy your notice the different Styles in which Mr. Perry writes first and last the first is an imposing demand, the last a request. These Vessels are lying here with intention to cover the landing of their highland Friends, whom they expect to come down in triumph. How sensible must be their disappointment when they hear that all their hopes are frustrated. The inclosed is a Copy of a Letter rec'd from Col^o

Moore and contains one of the fullest Account of the Battle we have yet received. One of our Expresses that returned today from the Camp informs us that the highlanders broke down their Waggons, and many of them rode away three upon an horse. We impatiently wait for all the particulars of this action which tho' it may appear trifling, will I doubt not be attended with the most important consequences, for as two of the Tory leaders and particularly the second in Command fell in the Action I think it very improbable that the Principal Officers will be able, were they ever so willing to unite the Army again. Indeed we are assured that the few Regulars they had among them have left them and that they discharged what Prisoners they had, and I have no doubt but many of the poor highlanders will be pleased to get home, being, as they confessed forced and persuaded, contrary to their inclinations into the Service.

I have inclosed you, Gentlemen, a return of the Men under my Command. You will perceive we are far from being powerful and Col. Salters men arrived only yesterday Evening the men I have being very insufficient considering the Cost I have to maintain, and the almost numberless preparations for defence which I have got to make. I shall tomorrow have a Battery prepared, and a nine pounder mounted, and as soon as it can be affected, I shall a few Six pounders. After this I shall have it in my power to compleat the fire Rafts, from which I was obliged to desist on the arrival of the armed Vessels. Col. Ashe and his party has been here since Saturday, without having done any Duty. He had told Col. Rhodes, that he would let me have 58 men or more to assist in compleating the Battery. I had sent a civil message for that purpose, but before it could be delivered Mr W^m Robeson came, and said it would be necessary to have it in writing. I accordingly sent a written Message which is enclosed and which I thought could not give offence even to the self important Col. Ashe. He thought proper however to return it with a verbal answer, *that he did not obey any orders.*

I had found it necessary to supply the men under my command with some Spirits, as they complained much and frequently that they had not the Allowance of the different Articles allowed the Regulars by a resolve of your Hon^{ble} Board? What those articles are to consist of I cannot possibly say—as there is not a single News paper,

in which the resolves is published to be found. Mr. Ward who acts as my Lieut. Col. had under taken to distribute Rum to the different Companies and when he was applied to for Col. Ashe's Volunteers they demanded the daily Allowance of half pint for each man from the 9th instant inclusive, which he complied with, tho they were not embodied that day, and had been some part of the time with the main Body consequently not in my Department. I have taken care to let Mr Ward know, that he must apply to the Volunteers for payment of the quantity he delivered as I shall not account it in his Accts. Col. Ashe advised me on the appearance of the Cruiser and other armed Vessels to abandon the Town and join Col. Moore. The few men I had would have been of little service to the main body and I had not the least idea of deserting a Post of so much importance, and which I knew the Enemy intended to occupy. On the 27th inst. his people applied for six rounds of Cartridges declaring their intention of joining the main body. They had that additional supply of Ammunition, yet they are still in Town. I have told the Commissary that they are no longer to eat at the publick Expence.

This moment Col. Salter arrived from the N. East Bridges, having yesterday Evening received orders to march his men upwards to intercept the Enemy, so that I must once more part with some of the little Army I have but the occasion is so pressing, among hopes so sanguine, that I can see them march without regret. Général Maedonald is taken Prisoner. He was drawn out of a lurking hole, where he had been concealed by a free Negro. The main body of the Highlanders keep together, but are already almost destitute of Provisions. They are now almost surrounded by Col. Moore & Col. Caswell and Expresses are gone to Col. Martin to come down upon them, so that there scarce can be a doubt of subduing them at once.

I have dispatched a Messenger with this important intelligence so necessary to be known whilst your Hon^{ble} Board are convened.

I have the honor to be with great respect

Gentlemen

Your most humble Servt.

WM. PURVIANCE.

P. S.

Maedonalds Baggages with the military Chest containing a considerable Sum are fallen into our hands. A Sailor that deserted from

one of the King's ships of war, lately come from Boston, has been examined on Oath and declares that he saw three thousand men drawn up which were destined for the Carolinas. They were to land here, and after they had effected their purposes were to go by land to So. Carolina. He further added that some of their Officers are on board the Ships now in this Harbour. This Account is confirmed by a Captain Erskin, who lately arrived from Newbern by land, says he intended to go to So. Carolina & that he fled from England for committing a Rape. He has several Letters and papers which appear to confirm this Circumstance, but I thought it necessary to detain him, for tho' in that he may have spoke truth it is no wise improbable that he may be employed by a pious ministry for another purpose

WM. PURVIANCE.

[JOURNALS OF CONGRESS, VOL. 1, P. 277.]

Friday, March 1, 1776.

(*Extract.*)

The Congress proceeded to the election of six brigadier-generals, and the ballots being delivered in and examined, the following gentlemen were chosen :

* * * * *

James Moore, esq.; The right hon. William, earl of Sterling; Robert Howe, esq.

Resolved, That brigadier-generals Lewis and Howe be directed to repair to Virginia, and brigadier Moore to North Carolina, and to take command of the forces in those respective colonies, until they receive further orders from Congress or a superior officer.

[REMEMBRANCER OF PUBLIC EVENTS 1776 PART 2. PAGE 29]

Williamsburgh, March 1.

Extract of a Letter from a member of the Provincial Congress of North Carolina, to Col. Howe, dated at Halifax, Feb. 24, 1776.

"A gentleman by the name of Smith has just lodged seven of the Leaders of the regulators in Halifax goal. He informs me, that the insurrection is entirely suppressed, with respect to the

regulators ; and says he thinks the Highlanders are dispersed before now. I do not give implicit credit to this last conjecture.

However it is clear to me that there will not be a gun fired upon this occasion ; for the number of our troops (not less, perhaps, than 5000) will undoubtedly awe the Highlanders into submission, if they are not already dispersed.

Governor Martin, it seems, had kept up a correspondence with the disaffected in the western part of the Province, had formed a plan of insurrection, issued Colonel's commissions to many counties for this purpose, and ordered that such men as should take arms should repair to the royal standard, at Brunswick, by the 15th of this month, promising that they should be then and there supported by 5000 regulars.'

Extract of a letter from Brigadier James Moore, in the Continental Service, to the Honourable Cornelius Harnett, Esq. President of the Provincial Council, North Carolina, dated Wilmington, March 2, 1776.

"On the earliest intelligence that the tories were collecting and embodying at Cross Creek, which I received on the 9th of February, I proceeded to take possession of Rockfish-bridge, within seven miles of Cross Creek, which I considered as an important post. This I effected on the 15th, with my own regiment, five pieces of artillery and a part of the Bladen militia ; but as our numbers were by no means equal to that of the tories, I thought it most advisable to entrench and fortify that pass, and wait for a reinforcement. By the 9th I was joined by Col. Lillington with one hundred and fifty of the Wilmington minute-men, Colonel Kenon with 200 of the Duplin militia, and Col. Ash with about 100 of the volunteer independent yagers, making our number then in the whole about 1100 ; and from the best information I was able to procure, the tory army, under command of General McDonald, amounted to about 14 or 1500. On the 20th they marched within four miles of us, and sent in, by a flag of truce, the Governor's proclamation, a manifesto and letter from the General, copies of which, together with another Letter, and my answer you have enclosed. I then waited only until Col. Martin and Col. Thackston, who I had certain intelligence were on their march, should get near enough to

cut off their retreat, and determined to avail myself of the first favorable opportunity of attacking them. However, contrary to my expectations, I learnt on the 21st that they had, the night before, and that night, crossed the N. West River, at Campbelltown, with their whole army, sunk and destroyed all the boats, and taken their route the most direct way to Negro Head Point; I then dispatched an express to Col. Caswell, who was on his march to join us with about 800 men, and directed him to return and take possession of Corbert's Ferry over Black River, and by every means in his power to obstruct, harass, and distress, them in their march; at the same time I directed Col. Martin and Col. Thackston to take possession of Cross Creek, in order to prevent their return that way. Col. Lillington and Col. Ash I ordered, by a forced march, to endeavor, if possible, to reinforce Col. Caswell; but if that could not be effected, to take possession of Moore's Creek Bridge, whilst I proceeded back with the remainder of our army to cross the North West at Elizabeth Town, so as either to meet them on their way to Corbert's Ferry, or fall in their rear and surround them there. On the twenty-third I crossed the river at Elizabeth-Town, where I was compelled to wait for a supply of provisions till the 24th at night, having learnt that Col. Caswell, was almost entirely without. Just when I was prepared to march, I received an express from Col. Caswell, informing that the tories had raised a flat, which had been sunk in Black river, about five miles above him, and by erecting a bridge, had passed it with their whole army. I then determined, as the last expedient, to proceed immediately in boats down the North West river, to Dollison's landing, about sixty miles, and take possession of Moore's Creek Bridge, about ten miles from them, at the same time acquainting Col. Caswell of my intentions, and recommending him to retreat to Moore's Creek Bridge, if possible, but if not, to follow on in the rear. The next day by four o'clock we arrived at Dollison's landing, but we could not possibly march that night for want of horses for the artillery; I dispatched an express to Moore's Creek Bridge to learn the situation of affairs there, and was informed that Col. Lillington, who had the day before taken his stand at the bridge, was that after noon reinforced by Colonel Caswell, and that they had raised a small breast work, and destroyed a part of the Bridge. The next morning, the 27th, at break of day, an alarm gun was

fired, immediately after which, scarcely leaving our people a moment to prepare, the tory army, with Capt. McLeod at their head, made their attack on Col. Caswell and Col. Lillington, and finding a small entrenchment next the Bridge, on our side empty, concluded that our people had abandoned their post, and in the most furious manner advanced within thirty paces of our breast-works and artillery, where they met a very proper reception.

Captain McLeod and Captain Campbell fell within a few paces of the breast-work, the former of whom received upwards of twenty balls through his body, and in a very few minutes their whole army was put to flight, and most shamefully abandoned their General, who was next day taken prisoner. The loss of the enemy in this action, from the best accounts we have been able to learn, is about thirty killed, and wounded; but as numbers of them must have fallen in the creek, besides many more that were carried off, I suppose their loss may be estimated at about seventy. We had only two wounded, one of which died to-day. This Sir, I have the pleasure to inform you, has happily terminated a very dangerous insurrection, and will, I trust, put an effectual check to toryism in this country.

The situation of affairs at this place made it necessary for me to return here, which, at the special request of the committee, I did last night with my regiment. The large requisitions made by the men-of-war, who now lie just before the town, gave the inhabitants reason to apprehend everything that could be suffered from their disappointed vengeance, however the committee have spiritedly determined rather to suffer the worst of human evils than afford them any supplies at all, and I have no doubt we shall be able to prevent them from doing any great injury.

In order to lessen as much as possible the expence incurred by this expedition, I some time ago directed Col. Martin to disband all the troops under his command, except 1000, including the regulars, and with those to secure the persons and estates of the insurgents, subject to your further orders.

And then to proceed to this place, unless otherwise directed. However, as I do not think the service just now requires such a number of men in arms, I shall immediately direct him to disband all except the regulars, and with those to remain in and about Cross Creek until further orders.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE]

Copied from Letter Sent to Colo. Thos. Polk & Major John Phifer

New Bern 5 March 1776\

GENTLEMEN

We take the Liberty to inclose a resolve of our Council wherein they have recommended to you, immediately to recruit Seven hundred & Fifty men to be formed into a Regiment on the Continental Establishment. The appointment of the Field Officers Capt; & Subalterns is Left to the Provincial Congress who are directed to meet at Halifax the 2nd of next Month. And you may be assured, that it is the intention of this Board, to recommend Colo. Polk as Lieut. Col. & Major Phifer as a Major of 1st Regiment. We have not the least doubt Gentlemen of your exerting yourselves to the utmost on this important Services and are with great regard

Gent.

Your most Obed Servt.

Signed by order of the Prov. Council

C. HARNETT Pres^d

[FROM THE REMENBRANCER OF PUBLIC EVENTS 1776. PART 11. PAGES 73 & 76 INCLUSIVE.]

Extract from a Letter, dated North Carolina, March 10th, 1776.

With very great pleasure I acknowledge the receipt of your obliging favor; and my happiness in writing to you is increased by the immediate defeat of those disturbers of government called Highlanders and regulators who had embodied themselves to a great number, and were within 20 miles of Wilmington. It is inconceivable to imagine what joy this event has disfused through this Province; the importance of which is heightened by Clinton and Lord William Campbell's being now in Cape Fear, in sanguine expectation of being joined by the above defeated and routed fellows, and with a determined resolution of attacking the weakest part of America, the which I presume, they supposed North Carolina to be. But how amazingly mortified must they prove, in finding that this weak, poor, and insignificant Carolina, in less

than 15 days, could turn out more than 10,000 independent gentlemen volunteers, and within that time to pursue them to the very scene of action. Since I was born I never heard of so universal an ardour for fighting prevailing, and so perfect a union among all degrees of men. This will enable his generalship Clinton to give his master and the ministry a just account of the weakness of the of the Southern colonies, how liable they are to be subdued, and what very small numbers will be sufficient for that purpose. It is most heartily wished that his Lordship Campbell, Clinton, and Martin, would think it worth their while to land at Cape Fear, before the dispersion of the forces, and it is not doubted but, in that case, a very handsome account would be given of them by the defeat of the formidable triumvirate.

You will rejoice with me in finding all the machinations of our Governor brought to nought. He has been most indefatigable in his endeavours to bring upon this province every species of calamity, by secretly spiriting up our internal foes, misrepresenting our weakness, and soliciting forces to destroy us, which, however, I hope will be entirely out of his power, as I think the province will and ought to call for hostages from the regulators and Highlanders, to be safely kept in some other province, beyond the possibility of a rescue, during the present commotions.

Another Letter from the same Province.

(Extract)

* * * It is an undoubted fact, that between 8 and 9000^{lb.} of gun-powder is just brought into this colony from one of the French Islands, with a number of field-pieces, four and six pounders, some musquets &c. Several French gentlemen likewise came in the vessel, one of whom, shortly after their arrival, set out for Philadelphia.

[FROM LETTERS OF GENLS. SULLIVAN & HOWE NO. 160 P 344.]

Williamsburg 17th March 1776

SIR

I am honoured with your letter Inclosing a Commission appointing me a Brigadier General in the Army of the United Colonies,—Devoted to the cause of America I feel no wish so ardent, no

ambition so strong, as to be able to contribute to its service and support—With pleasure therefore I accept the Important trust, and this you beg leave to convey to your Honourable Body my Greatful thanks for this Distinguishing mark of their favour, which by my strenous endeavours and utmost efforts I hope in some measure to deserve. The Battalions here being not yet Compleat, nor all the Commission filled up, puts it out of my power to make you at present the return you request, which I shall be happy to forward to you the moment I can.

I have the Honour to be with the Greatest Respect Sir

Your most Obedient

Hum^b Serv^t

ROBERT HOWE

(Endorsed) No 1. Robert Howe

17th March 1776

[LETTER JOSEPH HEWES TO SAMUEL JOHNSTON.]

Philadelphia 20th March 1776.

DEAR SIR,

I have received your favour of the 23rd of Feb'y, and also one from Mr. Hogg at Hillsborough of the 20th, I am exceedingly anxious for the safety of our Province, we sent an express to you about five weeks ago, since which I have not heard anything of him, I wait his return with impatience, The act of Parliament prohibiting all Trade & Commerce between Great Britain and the Colonies has been lately brought here by a Mr. Temple from London, it makes all American property found on the Sea liable to Seizure & confiscation and I fear it will make the Breach between the two Countries so wide as never more to be reconciled, we have heard much talk of Commissioners to be sent to treat with us, I do not expect any, the act of Parliament empowers the Navy to appoint Commissioners to receive submissions and grant pardons but no futher. Doctor Franklin told me last evening he had a Letter from London dated the 25th December, no Commissioners were then appointed, parliament was prorogued to 25th of January, I see no prospect of a reconciliation, nothing is left now but to fight it out, and for this we are not well provided, having but little

ammunition, no Arms no money, nor are we unanimous in our Councils, we do not treat each other with that decency and respect that was observed heretofore, Jealousies, ill natured observations and recriminations take place of reason and Argument, our Tempers are sound, some among us urge strongly for Independency and eternal separation, others wish to wait a little longer and to have the opinion of their Constituents on that subject, you must give us the sentiment of your province when your Convention meets. Several Merchants and others have petitioned the Congress for leave to fit out privatiers to Cruize against British Vessels, it was granted yesterday, the Restrictions are not yet completed or I would have sent you a copy of them, I send you the last News paper enclosed to which refer for news,

My Compliments to all.

I am Sir

Your most obedt Servt.

JOS. HEWES.

To Samuel Johnston Esq^r.

[FROM DIARY OF THE REVOLUTION VOL. 1. PAGES 209 & 210]

(From New York Packet, March 28, and Pennsylvania Evening Post, March 23, 1776.)

This morning, the North Carolina minute men and militia, under the command of Brigadier General James Moore, had an engagement with the Tories, at Widow Moore's Creek bridge. At the break of day an alarm gun was fired, immediately after which, scarcely leaving the Americans a moment to prepare, the Tory army, with Captain McCloud at their head, made their attack on Cols. Caswell and Lillington, posted near the bridge, and finding a small intrenchment vacant, concluded that the Americans had abandoned their post. With this supposition, they advanced in a most furious manner over the bridge. Col. Caswell had very wisely ordered the planks to be taken up, so that in passing they met with many difficulties. On reaching a point within thirty paces of the breast works, they were received with a heavy fire, which did great execution. Captains McCloud and Campbell were instantly killed, the former having nine bullets and twenty-four swan shot through and into his body. The insurgents retreated with the greatest precipitation, leaving behind them some of their

wagons &c. They cut their horses out of the wagons, and mounted three upon a horse. Many of them fell into the creek and were drowned. Tom Rutherford ran like a lusty fellow:—both he and Felix Keenan were in arms against the Carolinians, and they by this time are prisoners, as is Lieutenant-Colonel Cotton, who ran at the first fire. The battle lasted three minutes. Twenty eight of the Tories, besides the two Captains are killed or mortally wounded, and between twenty or thirty taken prisoners, among them is his Excellency General Donald McDonald. This, we think, will effectually put a stop to Toryism in North Carolina.

[FROM DIARY OF THE AMERICAN REVOLUTION. VOL. 1. PAGE 61.]

April 7, 1775.

Last Tuesday, Governor Martin met the Assembly of North Carolina, at Newbern, and addressed them in a high-flying, abusive anti-American speech, in which he spoke hard things of all the colonies, congresses, committees, and people on the continent, except those of his own stamp, and begged of his assembly not to approve of sending delegates to the Congress in May. To this the Assembly returned a truly noble answer, and to-day they have passed the following resolution: "That the House do highly approve of the proceedings of the Continental Congress lately held at Philadelphia, and that they are determined, as members of the community in general, that they will strictly adhere to the said resolutions, and will use the influence they have to induce the same observance by every individual of this colony."

[NORTH CAROLINA STATE PAPERS—No. 72 P. 5.]

North Carolina.

In Congress, 13th April, 1776.

Resolved, That the troops voted by Congress as necessary to the defence of this Province shall be divided into six Battalions, including the two Battalions voted by the last Congress, each Battalion to be commanded by one Colonel, one Lieutenant-Colonel and one Major; and to consist of eight Companies; each company to consist of one Captain, two Lieutenants, one Ensign, four Ser-

geants, four Corporals, two Drummers, one Fifer, and seventy six rank and file: also one Quartermaster, one Commissary of Stores, one Surgeon, one Adjutant, one Quartermaster Sergeant, one Drum Major, one Sergeant Major, and one Waggon Master for each Battalion.

By order

JAS. GREEN, jun. Secty.

[ARMY RETURNS, N° 15 P 16]

In Congress

The Delegates of the United Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to

Thomas Granberry Esq.

We reposing especial Trust and Confidence in your patriotism, valor, conduct and Fidelity, Do by these presents constitute and appoint you to be Captain of a company in the third North Carolina Battalion in the army of the United Colonies raised for the defence of American Liberty, and for repelling every hostile Invasion thereof. You are therefore carefully and diligently to discharge the duty of Captain by doing and performing all manner of Things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command to be obedient to your orders as Captain—and you are to observe and follow such orders and Directions from Time to Time, as you shall receive from this or a future Congress of the United Colonies, or Committee of Congress for that Purpose appointed or Commander in Chief for the Time being of the Army of the United States, or any other your superior officer, according to the Rules and Discipline of War, in pursuance of the Trust reposed in you. This Commission to continue in Force until revoked by this or a future Congress.

Dated at Philadelphia April 16 1776

By order of the Congress

JOHN HANCOCK

President

Attest. Cha^s Thomson Sec^y

[ARMY RETURNS, N° 15 P 19.]

In Congress

The Delegates of the United Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia to

Thomas Polk Esquire Greeting

We reposing especial Trust and confidence in your patriotism, valour, Conduct and Fidelity, Do by these presents, constitute and appoint you to be Colonel of the fourth North Carolina Battalion in the army of the United Colonies raised for the defence of American Liberty, and for repelling every hostile Invasion thereof. You are therefore carefully and diligently to discharge the duty of Colonel—by doing and performing all manner of Things thereunto belonging. And we do strictly charge and require all Officers and Soldiers under your command to be obedient to your orders as Colonel—and you are to observe and follow such orders and directions from Time to Time, as you shall receive from this or a future Congress of the United Colonies, or Committee of Congress; for that Purpose appointed, or Commander in Chief for the Time being of the army of the United States, or any other your superior Officer, according to the Rules and Discipline of War, in Pursuance of the Trust reposed in you. This Commission to continue in Force until revoked by this or a future Congress.

Dated at Halifax the 16th day of April Anno 1776

By order of the Congress

JOHN HANCOCK

President

Attest, Cha^s Thomson Sec^y

[NORTH CAROLINA STATE PAPERS N° 72 P. 1.]

Letter of Committee of Secrecy, War and Intelligence of N. C. to the Hon. John Hancock, Prest Continental Congress. enclosing list of Prisoners sent to Phila.

Expecting in our province a scene of much Business which may require all our attention, we have thought it expedient to send the prisoners taken during the late Commotions some to Maryland, some to Virginia and some to Philadelphia for the more immediate disposition of the Continental Congress. These last are such as appear to us from their rank and influence over an Ignorant and restless part of our Inhabitants to be capable of doing us the Most Mischief—we are sorry to be compelled to an Act of such severity as this of sending these men at such a distance from their unfortunate Families; but the security of our Country makes it indispensably necessary, for should they have an opportunity of exerting their pernicious influence, at a time when we may be invaded by a powerful Army, the consequences might and probably would prove fatal. The hopes which these men have given our Enemies we are assured has induced the British Ministry to direct against us the first efforts of their arms; to them therefore, are due the evils, expences, and difficulties, which we encountered in suppressing them, and the Calamities which they and their wretched Families Must now undergo, we shall not fail to extend to the latter the most humane attention, for we are always mindful that humanity distinguishes the brave, We should not have sent off the prisoners but that we could not secure them without engaging too many of our Officers and Soldiers from more important business, for while in the Neighborhood of their Connections when the attention of every one would be drawn to the more important Operations of the impending Campaign, without strong Guards a rescue would be inevitable, we rely on the wisdom of the Congress for disposing of them in such a secure manner that we shall have nothing to apprehend from their future Machinations. We inclose you the list of their names and we shall by the first opportunity transmit you a particular account of Circumstances relative to each extract-

ed from the report of the Committee appointed by the provincial Congress to enquire concerning them.

We are with very great
Esteem and regard Sir,
Your most Obedient humble
Servants

By Order of the Committee
of Secrecy, War, and
Intelligence for the
Congress of North Carolina

THO^s BURKE Chmn

Halifax 22^d April 1776

HON^{ble} JOHN HANCOCK President

Continental Congress.

[Endorsed]

A letter from the
Com.^{rs} of Secrecy War &
intelligence of N Carolina
22 April 1776

enclosing a list of prisoners
sent to Phila.

Read 2. May.

List of Prisoners destined for Philadelphia

- 1 His Excellency Donald M^cDonald Esq^r Brigadier General
of the Tory Army and Commander in chief in North Carolina
- 2 Colonel Allen M^cDonald (of Kingsborough) first in Commission of Array and second in Command
- 3 Alexander M^cDonald son of Kingsborough
- 4 Major Alexander M^cDonald (Condrack)
- 5 Cap^t Alexander M^cRay
- 6 Cap^t John Leggate
- 7 Cap^t James M^cDonald
- 8 Cap^t Alex^r M^cLeod
- 9 Cap^t Alex^r Morrison
- 10 Cap^t John M^cDonald
- 11 Cap^t Alex^r M^cLeod
- 12 Cap^t Murdock M^cAskill
- 13 Cap^t Alexander M^cLeod

-
- 14 Cap^t Angus M^cDonald
 - 15 Cap^t Neil M^cArthur
 - 16 Cap^t James Mens of the light horse
 - 17 Cap^t John M^cLeod
 - 18 Cap^t Tho^s Wier
 - 19 Cap^t John M^cKenzie
 - 20 Lieut John Murchison
 - 21 Kenneth M^cDonald Aid de Camp to Gen^l M^cDonald
 - 22 Murdock M^cLeod Surgeon
 - 23 Adjutant General John Smith
 - 24 Donald M^cLeod Quarter Master
 - 25 John Bethune Chaplain
 - 26 Farquard Campbell late a delegate in provincial Congress—
Spy and Confidential Emisary of Governor Martin—
- [Endorsed] A List of prisoners sent from N. Carolina to Philadelphia enclosed in Letter of 22 of April 1776
-

[LETTER FROM ALLEN McDONALD.]

SIR

Your kind favor I had by Mr. Ugin(?) with the Virginia money enclosed, which shall be paid if ever I retourn with thanks, if not I shall take care to order payment. Colonel Eliot who came here to receive the prisoners Confined the General and me under a guard and sentries to a Roome ; this he imputes to the Congress of North Carolina's not letting Brigadier Lewes (who commands at Williamsburg) know of our being on parole by your permission when at Halifax. If an opportunity afford, it would add to our happiness to write some thing to the above purpose to some of the Congress here with directions (if such can be done) to forward said orders after us. I have also been depressed of the horse I held, and hath little chance of getting another. To walk on foot is what I never can do the length of Philadelphia. What you can do in the above different affairs will be adding to your former favours. Hop-

ing you will pardon freedom wrote in a hurry I am with real Esteem and respect

Honble Sir,
Your very obedt. Servt.

ALLEN MACDONALD

Petersburg

May 2nd 1776

[NORTH CAROLINA STATE PAPERS—No. 72 P. 13.]

Committee of Secrecy, War and Intelligence of N. C. to Maj. General Lee.

Halifax May 6th 1776

SIR,

We have this day received the inclosed from Brig^o General Moore, and have Orders from the Congress to inclose them to you, we are directed also to inform you that the Congress have Ordered a reinforcement of fifteen hundred Militia rank & file in two Battalions to join General Moore with all possible Expedition. This reinforcement is ordered to consist of detachments from four Eastern districts of the six into which our province is divided, because the Western Districts are reserved for a particular purpose which you are already acquainted with and you will perceive Gen^l Moore alludes to; These two Districts are inhabited chiefly by wheat Farmers and if obliged to leave their Crops before they can save that necessary Grain, a dearth in the next year could scarcely be avoided—The Congress have therefore judged this an additional reason for withholding the Militia in that part of our Colony at this Season unless the necessity becomes indispensibly urgent in which Case they are Ordered to be in readiness and it is not to be doubted but they will march with great Alacrity. The dispersed situation of our Inhabitants makes it impossible for the Militia reinforcement to be in the Field without some delay and the Militia of the neighbouring Counties have been in unremitting service so long that it has become irksome and exceeding burthensome to them. Under these circumstances the Congress could fall on no expedient more eligible than that already mentioned, altho they

are sensible that some part of the reinforcement must go a considerable distance and therefore must be late in joining the Army, however the far greater part of it will be on its March in a short time and they are under Orders to proceed with all possible expedition, The Detachment from the District of Halifax will march from Tarborough (about forty Miles from hence) on Thursday Week, New Bern and Wilmington are nearer the Scene of Action and probably will be sooner in the Field, Edenton is still more remote, but as there is a passage by Water tis probable they will not be long behind. Ammunition and provisions have been already Ordered to General Moore, and we hope he will soon receive them; This representation of our Circumstances we make to you, Sir, under the direction of the Congress. They avoid requesting you to Order any reinforcement from Virginia, because they rely on your Wisdom, for taking the most expedient resolutions in this Matter, when informed of Facts.

We are Sir with great respect

Your very Obed^t Serv^{ts}

By order of the Committee of

Secrecy War & Intelligence

THO^s BURKE Cham

His Excellency

Major General Lee

Inclosed is an Estimate of what Gun Powder is in the Several Counties in our Colony—

[Endorsed] May 6th 1776

Letter from Thos^s Burke Chairman of the Com^o of War N. C. to General Lee Halifax May 6, 1776 enclosed in Gen^l Lee's letter of the 10. May 1776.

[FROM THE REMEMBRANCER OF PUBLIC EVENTS. 1776, PART 11, PAGE 189.]

Extract of a Letter from an officer of the 15th regiment (British) to his friends here, dated at the camp near Cape Fear, North Carolina, May 17th.

On the 7th inst. the 15th and 28th regiments landed on a peninsula at the mouth of the river, but the enemy not choosing to shew themselves, the General after reconnoitring the country, reim-barked them. A few days after, the 27th and 33rd regiment went

15 miles up the river, and dispossessed the rebels of a post they had at that place called Brunswick. They took a few prisoners, and had one man killed; after executing this business, they returned to the ships with a seasonable supply of 20 bullocks. On the 15th inst. the 15th, 28th, 33rd, 37th, and 54th regiments landed and encamped near a demolished post opposite to our shipping. The 57th is encamped on the opposite shore, and the 46th is still on board. Part of the rebels are within two or three miles of us, but their strongest post, or chief dependence, is at Wilmington, about 20 miles from hence.'

Subsequent accounts said, a few days after the above dated, the troops reimbarbed. At this time the season is against the troops acting in the southern provinces. One regiment (the 46th) was very sickly, owing to the climate. And here it is necessary to observe, that General Howe before he left Halifax, sent a vessel to General Clinton with orders to come to the north ward and join him. It is singular, that General Clinton had no intelligence of the evacuation of Boston, except what he obtained by chance from an American news paper.

The next account from this fleet was important.

Not receiving General Howe's orders to come to the northward, before they left Cape Fear, they went to the southward, for Charlestown, to make an impression there, agreeable to their original orders before they left England.

[MAJ. GEN. CHARLES LEE TO THE PROVINCIAL COUNCIL OF NORTH CAROLINA.]

"Charlestown, June 18, 1776.

SIR:

As your Troops are in considerable distress, and begin to clamore for their pay, I must request that you would dispatch whoever has acted as your Paymaster-General, or one of his deputies, with a sufficient sum of money to answer the purpose of supplying their immediate wants.

I am, Sir,
your ob'dt serv't

CHARLES LEE.

[NORTH CAROLINA STATE PAPERS—No. 72 p. 17]

Letter of Council of Safety of N. C. to John Hancock Pres't Continental Congress

North Carolina

Dobbs County, 24 June 1776.

SIR

We take the Liberty through you to represent to your hon^{ble} Body the distressed and defenceless state of this Colony. The great want of Fire Arms, Ammunition and other Warlike Stores, render our situation truly alarming; an Army hourly expected to land on our Coasts and apprehensions well founded of an immediate War with the Southern Tribes of Indians, and a large body of people disaffected to the American Cause residing in the very heart of our Country ready (altho' once subdued) to make use of a more favorable opportunity again to throw this Colony into a scene of Blood and Confusion.

You will through our Delegates be informed of many other circumstances relative to this Colony. To them we beg leave to refer you.

We take the liberty however to observe that by the exertions of this Colony in assisting its Neighbors, the fitting Armed Vessels for the protection of Trade, keeping up a Number of Independant Companies to secure the Inhabitants from depredations of the Enemy on a very extensive Sea Coast, the establishing manufactories of Arms, Gun Powder, Salt, Salt Petre, Iron and many others, We have involved this Colony in such a load of Debt as the Inhabitants cannot possibly bear unless they receive immediate assistance—We cannot help trespassing further on your patience by observing on the immense loss fatigue and disappointment suffered by our people who turned out from all Quarters of the Country with the greatest Alacrity in the late Expedition against the highlanders and other Tories and upon repeated alarms ever since, fifteen hundred of whom we are now, in the absence of the regular Troops, oblidged to keep on duty at a Season of the year when their presence was absolutely necessary to procure bread for their families

From these considerations we have therefore every reason to

expect that your hon^{ble} Body will grant every assistance to a Colony which has so spiritedly and effectually supported the glorious Cause contended for and grant such necessary requisitions as may be made by our Delegates to enable us to persevere.

We shall as soon as possible lay before your Hon^{ble} Body the expence of the late Expedition against the Tories and have the Honour to be with the greatest respect

Sir Your Most Obedient Humble
Serv^t

By Order of the Council of Safety

CORN^s HARNETT President

[Endorsed] N^o 4

Letter from the council
of Safety of North Carolina
24 June 1776
read 24 July.—

[COUNCIL OF SAFETY OF N. C TO N. C. DELEGATES TO CONTINENTAL
CONGRESS]

Whitfield Ferry Dobbs County
June 24 1776

GENTLEMEN

By Copy of a Letter from Mr Hewes to Sam Johnston Esq.,

We have the satisfaction to find Our Delegate has been very Attentive to the interest of this Colony. The Powder in three Waggons arrived at Halifax some days ago, and we desire you will immediately forward the field Pieces, Medicines, &c. already granted by Congress. As the producing of Salt for the Consumption of this Colony is a matter of the utmost Consequence, and the Season for making it by Evaporation is too far advanced to make any progress before the Fall we desire you will immediately purchase Pans and Plates with every other Aparatus which you may judge cannot be procured here, for setting up a Large Work for boiling seawater into Salt, to be sent in Waggons to New Bern. We are of opinion it will be less expensive to purchase Waggons and Horses for transporting every article wanting from Philadelphia, than to hire them; as the waggons may serve for the Army,

or be Sold for the use of the Colonies for as much, or perhaps more than they Cost We are Sorry to find the Congress do not think proper to put the 3 Companies of Light Horse raised in this Colony, upon the Continental Establishment. The nature & circumstances of the war we shall be obliged to Carry on in this Country renders such troops Necessary to gain Intelligence of the Enemies motions. Col Moore when encamped at Rockfish near Cross Creek missed a glorious Opportunity of attacking the Tories to great advantage in their Crossing the River for want of Intelligence a Party of Light Horse might have given him

You are therefore Gent. desired to press this matter to the Congress. We shall, by the next Opportunity Transmit a Letter from Gen. Lee on this subject.

By the latest Intelligence from the Western Frontier we have the greater reason to apprehend a War with the Southern Indians. We have taken every necessary measure to be prepared for the Event, but at the same time have directed the Commanding officer of that Department to prevent our people from Committing any Hostilities until the Indians make an attack upon them.

As Drums Colours & Fifes will be wanting for the four New Regiments of Continental Troops raised in this Colony you are desired to purchase and send them as speedily as possible together with Blankets and Cartridge paper which can not be procured here.

The River of Cape Fear is at present in a very Defenceless Situation, for the want of a parcel of Battering Cannon 12 & 18 pounders you will therefore Gentlemen urge to the Congress the absolute necessity of sending as speedily as possible a Sufficient Number of such Cannon; a Vessel of a small Draught of water suppose 6 or 7 feet, may enter many of the Inlets to the Northward of Cape Fear, such as Deep, New Topsail, Bear, Bogue, or Old Topsail Inlets. This adventure we have every reason to Hope and expect will be made at the Continental expence, as the sending them by water is dangerous, and it being impracticable to bring them by Land the loss would hardly be felt by the whole Continent, but must fall exceedingly heavy on a Colony already involved in an immense Load of Debt by its Spirited exertion in the Common Cause.

The Regiments raised here on the Continental Establishment are

still very badly Armed & many of the Soldiers without arms. Every effort has been made but in vain, we have been reduced to the Necessity of Collecting Arms from many of our Militia, & should the Troops be obliged to march to the assistance of either of the Neighboring Colonies which is the case at this Time, 4 Regiments having marched to So. Carolina, we will remain in a very terrible Situation, wanting even the very means of Defence.

We desire Gentlemen you will in the most Forceible manner represent to the Congress the distressed and defenseless State of the People of this Colony are at present reduced to, In want of Arms to defend themselves, Very Little powder, the Enemy hourly expected to Land an Army on our Coast, our Ports Blocked up, A numerous body of People settled in the very Center of our country disaffected to the American cause, who although very lately Subdued, are only waiting a more favourable Opportunity to wreak their vengeance upon us, the apprehensions we are under of an immediate attack from the Cherokee Indians & Creeks on our Western Frontiers, The Vast expence this Colony has been at in fitting out Ships of war to protect her sea Coast, and keeping up Independent Companies for the same purpose, In Erecting Manufactures of Arms, Salt, Saltpeter, Powder Mills Sulphur (Steel) Iron & many other expensive matters too tedious to enumerate upon such a Representation. We have not the least reason to doubt but that the Congress will pay a very particular attention to the requisitions of this Colony.

For further particulars we refer you to Mr. Hooper who is very well acquainted with the situation of affairs here, we desire to be favoured with dispatches from you in every interesting Matter and shall be glad if you will furnish us with the resolves of the Congress since the last Publication—We are at a loss about Admiralty matters as settled in Congress with the regulation of Trade &c We shall write you more fully by next Conveyance and are

Gent.

To Jos. Hewes Wm. Hooper & John Penn delegates

We shall as speedily as possible send to you Account of the whole Expence of the Expedition against the Tories to be laid before the Congress.

(ORDER BOOK OF GEN. CHARLES LEE—P 8).

Extract

“June 24, 1776. Charlestown, S. C.

Field Officer of the Day Tomorrow :

Colonel Nash.

Field Officer of the Guard,

Col Sam. Elliott.

North Carolina Continentals :

Privates, 100.

Captains, 2.

Subalterns, 6.

Serg'ts, 6.

Corporals: 6.

Drum & Fifers, 2.

(FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.)

Copy of Letter wrote Gen. Rutherford

Whitfields Ferry 24th June 1776

As we have every reason to believe the Emmissaries of Government are making use of every means in their power to Induce the Indian Nations to fall upon the Inhabitants of these Colonies, Your own prudence will direct that you hold the Militia of your Department in readiness to repel any Hostilities which may be Commenced against us by any of the Indian Nations—for this Purpose we have Ordered 1000lbs Gun powder to be sent from Halifax to your Care, and we doubt not you will be very attentive to the expenditure of it in Case the Indians should begin Hostilities. It is the Intention of this Council that you Cautiously avoid and to the utmost of your power endeavor to prevent the Inhabitants of this Colony from committing any Depredations on the Indians—and that no Hostilities be Commenced against them unless they make an attack upon the Inhabitants Settled within the Boundary Line. The Article of Lead is very much wanted in Cross Creek & Wilmington. If you have not a sufficient Quantity already brought from Chizzells Mines the Commissioners appointed for that purpose will we doubt not with all expedition procure it, and Leave with you a sufficient Quantity for the present, & send the remainder with all expedition down the Country 1000 lbs of which to be Lodged at Cross Creek in the hands of Col.

Folsome and the remainder to be sent into Bladen County to the care of William McKee Esqr.

we are with great regard

Sir, Your most obed Servt

Signed by order of the Committee of Safety

C. H.

[FROM MS RECORDS IN OFFICE OF SECRETARY OF STATE]

Copy of Letter to the President of the Continental Congress and the Delegates in Congress Jn. & Wilcocks

Whitfields ferry June 27 1776

SIR,

We send by Express to be Informed in what forwardness the Furnace for casting Shot is. A Large Quantity of Shot is immediately wanted for the use of the Ships of war and the Army, you will therefore as soon as possible cast a sufficient Quantity of the dimensions sent you by Capt. Forster as also a Quantity of the sizes under mentioned, you are also desired to Cast a Ton weight of small Iron shot to weigh about 13—We desire you will give us a particular account of the work you are now Carrying on that provision may be made for Compleating & forwarding it immediately

We are Sir,

Your very hm. Servts

Signed by order of the Council

C. H.

100 Shott $3\frac{1}{2}$ Inches diameter

130 Do—3 Inches

150 Do— $2\frac{1}{2}$ Inches

400 Do— $1\frac{1}{4}$ Inches

To John Wilcoxs Esqr.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

(Warrant agst. Harris & Taylor Executed)

North Carolina

In the Council of Safety

The Council having received Information that Thomas Harrison

and William Taylor are Persons disaffected to the Common Cause and are endeavoring to dissuade the People from associating in defence of their Liberties

Resolved that Abraham Sheppard Esquire commanding Officer of the Militia in Dobbs County take a sufficient force of the Militia and bring before the Council the said, Thomas Harrison and William Taylor to answer of and Concerning the Premises. Witness Cornelius Harnett Esquire President of the Council at Neuse the 29 June 1776

By order
CORN. HARNETT President

J GLASGOW Secty.

NOTE.—On July 4, 1776, North Carolina by virtue of the declaration of her delegates, together with those of the other Colonies, became a sovereign and independent State. The title of her Records from this date therefore is "THE STATE RECORDS" of North Carolina.—W. C.

THE STATE RECORDS OF NORTH CAROLINA.

1776.

[ORDER BOOK OF GEN CHARLES LEE—PAGE 10—]

July 4, 1776

Charlestown, S. C.

(Extract)

“ Field officer of the day to-morrow, Colonel Polk.

For the Guards;

2nd Battalion North Carolina:

1 Captain, 3 Subalterns, 4 Sergeants,

4 Corporals., 63 Privates.

3rd Do.

1 Captain, 2 Subalterns, 2 Sergeants,

2 Corporals, 38 Privates.

4th Do.

1 Sergeant, 1 Corporal, 12 Privates

For Fatigue Duty:

1 Subaltern from the 2nd Battalion of No. Carolina

1 Do. “ “ 3^d “ “ “

1 Do “ “ 4th “ “ “

LETTER IN ANSWER TO GEN. LEE RESPECTING PAYMASTER.

[From MS. Records in Office of Secretary of State.]

In Council of Safety No. Carolina 4 July 1776

SIR,

Your favour of the 18 of last month we receive & in pursuance

thereto. have dispatched the paymaster for this Province whose arrival we hope will stop the Clamours of the Troops. We are from the information of our Delegates truly concerned that the Light Horse Companies raised in this Province are not put on the Continental Establishment, the Congress are unacquainted with the Utility of such Troops in the Southern part of this Continent We beg the favour of you to represent to the Congress the absolute necessity of such Establishment at the same time to recommend in the strongest manner that they be on pay of the Contenant

Sir yr. most obed Servt

Signed by order of Council of Safety

LETTER TO COL. MARTIN ARMSTRONG RESPECTING ROBERTS ESTATE.

[From MS. Records in Office of Secretary of State.]

Whitfields 5 July 1776

SIR

With respect to the property of James Roberts & other Tories of Surry County now armed against the good people of this province. The Council of Safety are of Opinion that the Committee of the County may take into their possession such part of their Estates as may be movable And make out an Inventory of their Estates strictly personal and return the same to next Congress observing in the mean time that their families are supplied with the necessities of Life And if possible take their persons and send them with proper witnesses before this Council—

LETTER SENT TO THE DELEGATES IN CONGRESS.

[From MS. Records in Office of Secretary of State.]

Whitfields Ferry Dobbs County

July 7th 1776

GENTLEMEN

In our last of June 24th we mentioned the arrival of the Gun powder sent from the Congress to Halifax and the very late action at Charles Town So. Carolina. in which much of that Article was Expended at the Batteries there the President of that Colony and Gen. Lee having requested in the most earnest manner that all

which possibly could be spared from this Colony should be immediately sent to South Carolina accordingly we have dispatched off Waggon with a large quantity so that we have left this Colony almost in a defenseless State defenceless and very very alarming and as we have every reason to expect Genl. Clinton's return here should he fail in his Expedition against South Carolina and which we have the greatest reason to believe he will, we have therefore to request that you will upon the receipt hereof apply for an ample & immediate Supply of Gunpowder as the fate of this province as well as that of South Carolina must entirely depend upon it. We cannot therefore too earnestly recommend this Matter to you, we have also to desire that you will send us twenty four Rheams of writing paper & twelve dozen of Sym's Military guide for our Young Officers . We must suggest to you the possibility of saving the great Expençe of Waggoning Gunpowder, by applying to Consignors in Congress of the possibility of obtaining that Article by one or more Armed pilot boats, drawing little water to run into some of our Inlets, & the Continent paying the expence of this

the Codes of Laws of all the other Colonies
the best & plainest directions for making Salt
Gen Locke what can be bought

N. B. the advantage that may be derived from Battering Cannon to fortify fort Johnson make a harbour for foreign Ships prevent the Enemies returning to annoy us or to refit and attack us & put it in our power still to fight our neighbors

We are Gentlemn your

Mo Obed hble Servts

By order of the Committee of Safety

North Carolina

Copy of a Letter sent Brigadier Wm. Bryan

same to Gen Jones

same to Genl. Vail

same to Committee N Bern

[NOTE.—This letter is defective in the places where blanks are left.—
W. C.]

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Whitfields Ferry Dobbs County
8 July 1776

SIR,

The late Engagement at Sullivans Island near Chas. Town So. South Carolina having Expended a great quantity of Gunpowder from their Batteries causes that Article to be scarce with them, in Consequence of which General Lee has ordered from Cape Fear a large Quantity, so that Wilmington will want an immediate supply. You are therefore requested to call on the Commissary of Stores, or his deputy the County or Town Committees, or such persons as have the care of the Ammunition at New Bern, and Cause to be sent off immediately to General Moore one Ton of Gun powder to replace that sent by General Moore to Gen. Lee, and you are requested in the most Expeditious manner. to see that this matter is Carried into Execution, it being of the greatest Concern to the Interest of this & the province of South Carolina, we should not have given you this trouble but cannot Learn where the Commissary of Stores is, whose business it is to have every Necessary Article in his possession

C. HARNETT
President.

COUNCIL OF SAFETY TO GENL. MOORE.

(From MS. Records in Office of Secretary of State.)

Neuse 9th July 1776

SIR

The Council received yours of the 5th Instant in consequence of which have Ordered from the Brigades of Halifax, Edenton and New Bern three tons of powder to be sent in Waggon to Cape fear, you will reserve only so much as will be absolutely necessary for the defence of this Colony the remainder you will send on to Charles Town

We are happy in congratulating you on the success of our Arms

against the enemies of America and particularly so, on the Gallant spirited and manly Conduct of the Troops belonging to this province

I am Sir Your most Obed Servt
signed by Order of the Council
CORN. HARNETT
President.

COUNCIL OF SAFETY TO GEN. HOWE.

(From MS. Records in Office of Secretary of State)

No. Carolina Whitfields on Neuse River
9th July 1776

SIR,

We have the honour of acknowledging the receipt of your obliging Interesting favour of the 29th June last for which please to accept of our hearty thanks words cannot express our joy on this truly important occasion the attack on Sullivans Island Batteries & the brave manly resistance made by the American Forces does them the highest honour and we most Sincerely & heartily congratulate you on the success of the American Arms—we request that you will when a ready conveyance can be had furnish us with every occurrence in So Carolina we are wishing you all imaginable success Sir,

Your Mo. obed Servts

Genl. Howe.

COUNCIL OF SAFETY TO GEN. CHARLES LEE.

[From MS. Records in Office of Secretary of State.]

Whitfields on Neuse River
9th July 1776

SIR

We have the honour of acknowledging the receipt of your Excellency's very polite and interesting favours of the 29th & 3rd July last as they contain intelligence of the last importance to the Arms of the American Empire for which Sir please to accept of our most sincere thanks. Our Joy on this very great Event can be better, imagined than described. In consequence of your Excellency's

request we have ordered immediate supplies of Gunpowder from the Towns of New Bern Halifax & Edenton to Cape Fear to the care of Brigadier Genl. Moore to be by him instantly forwarded to Charles Town

His Excellency Major Genl. Lee

Nothing can give us greater pleasure than to afford every assistance in our power to the spirited & patriotic Colony of So. Carolina.

COUNCIL OF SAFETY TO THE COMMITTEE AT N. BERN.

[From MS. Records in Office of Secretary of State.]

Whitfields Ferry Dobbs County 10th July 1776

The late engagement at Sullivans Island near Charles Town South Carolina having Expended a great Quantity of Gun Powder from their Batteries, causes that Article to be Scarce with them, in Consequence of which General Lee has ordered from Cape Fear a large Quantity, so that Wilmington will want an immediate supply. You are therefore requested to call on the Commissary of stores, or his deputy, the County Committee of Craven, or such other persons as have the care of the Ammunition at New Bern, and cause the same to be sent off immediately to General Moore, one Ton of Gun Powder, to replace that, sent by General Moore to General Lee; and you are requested in the most Expeditious Manner, to see that this matter is Carried into Execution, it being of the greatest Concern to the Interest and Safety of this, and the province of South Carolina. We should not have given you this Trouble but cannot Learn where the Commissary of Stores is, whose business it is, to have every necessary Article in his possession; On this Critical Emergency we fully rely, no time will be lost in Conveying the above mentioned powder to Cape Fear, as probably the fate of this Continent in a great Measure may depend on it. Inclosed you have an Extract of a Letter from Genl. Lee, and an Account of the late Battle, and the glory of which we Congratulate you.

We are with Respect Gentlemen

Your most Obed.

Humble Servants

CORNELIUS HARNEET, President.

Signed by order of the Council of Safety

(FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE)

Letter to his Ex- J. Rutledge of S^c Carolina 10th July .76
North Carolina Whitfields on Neuse River
July 1776

Sir,

Your very obliging favour of the 30th June last by Mr. Page came safe to hand. We most heartily congratulate you on the success of the Americans Army in your Colony and consider the action of Sullivan's Island. as one of the Most important Events that hath happened to this Country during the course of the present unnatural war. With respect to Gunpowder we have ordered to Cape Fear the additional Quantity of three tons it being all that we can possibly spare from the different parts of this Province which is to be delivered to Gen Moore and if occasion requires to be immediately forwarded by him to Charles town. Your Excellency may be assured that this Colony will upon all occasions afford South Carolina every possible Assistance. We have the Honor to be with the greatest respect

Your Excellency's most obed & very Humb.

Servt.

C. H. Presd.

Signed by order of the Council of Safety

Circular to President of the Convention Virg & J Rutledge Gov-
ernor Chas Town S^c Carolina respecting the Indians

N^c Carolina Whitfields on Neuse

13th July 1776

GENTLEMEN

Inclosed we transmit you Copies of three Letters the one from Brigadier Rutherford of Rowan County in this Province with respect to the Indians having Committed acts of hostility on the Frontiers of S^c Carolina within the line of that Province dividing it from the Cherokee Country and that the inhabitants of Tryon County in this Province were in hourly expectation of being attacked by the Cherokee Indians the second letter is from Col^o Lock of Rowan Concerning Lead the Contents of which we beg leave

to refer you to and request that you will give immediate directions to your Manager at Chriswell Mines to supply Col^o Lock with five Tons of Lead as our back inhabitants are in the greatest want of that article & the people on the Sea board are in the same Situation and if we can be informed of the Amount thereof an order will be immediately sent in favour of your Colony upon the Continental Treasury

The third Letter is from Col Graham of our Tryon County to Brigadier Rutherford relative to the conduct of the Indians, to which we also refer you. We have in a very particular manner instructed Brigadier Rutherford how to act on this alarming occasion and have directed him by no means to precipitate the Southern Colonies unnecessarily into an Indian war.

CIRCULAR LETTER TO ROBT HARDY, JN. GREEN, T. BRIAR,
T. RESPASS.

[From MS. Records in Office of Secretary of State.]

Whitfields on Neuse 15th July 1776

SIR,

This board has thought it proper to appoint you a Commissioner at the port of Edenton for the express purpose of purchasing Military and other Stores for the use of the Continental Troops stationed in this Colony we rely very much on your Exertions on this occasion. You will in a very short time receive a large quantity of Sail Cloth from New Bern which we request your care of and whenever you receive an order from the Committee of Safety of Virginia you will deliver the quantity expressed therein to the bearer thereof for the use of the Gallies of the Colony now building at Key Bay on Black Water. We also desire that you will purchase as many Anchors as will be wanting for the Gallies. You will be directed in this matter by the Committee of Safety Virg. & very shortly by Letter to which we request you will pay due attention

We received your Mr. Little's favour concerning Capt. Cartwrights Conduct. It is our desire that you immediately take possession of all the property Cartwright now has in the district of Edenton and keep the same secure until you receive the further orders of this board

we are Sir, your Mo. humbl. Servts.
By order of the Council of Safety

LETTERS TO THE COMMITTEE OF SAFETY OF VIRG.

(From MS. Records in Office of Secretary of State)

15 July 1776

GENT.

We have given directions to Robert Hardy Esq^r. our Agent for purchasing Military and other Stores at Edenton to deliver on receipt of your Order as much Sail Cloth as will be wanting for the two Gallies fitting out for this Province pursuant to the Resolve of your Convention as also to furnish the Gallies with such Anchors as may be wanting you will be kind enough to let Mr. Hardy know by a line the number & weight of Anchors requisite

To the Committee of Safety Virginia

Committee of Safety to Nath^l Rochester.

Gen Lee informs us of the distressed situation of our Soldiers in So Carolina for the want of Cloths and we assure you we are much convinced as we consider the Credit of this Province or state in this particular We have to request that you will have Waggons ready at New Bern to receive the Stores ordered there & to proceed either in person or by deputation with all expedition to Our Army in So. Carolina with the Osnaburg, & other things necessary for their Clothing. We think it convenient & therefore recommend that you impower some carefull person at each port in this province to take charge of all Military & other Stores purchased by the Commissary to be appointed for the public. This will perhaps leave it in your power to supply the army with greater dispatch & of more ease to your self

We desire that you will send to the care of Mr. Robert Hardy of Edenton all the Sale Duck in New Bern for the Gallies building at South Key for this Province. We shall give him the proper direction how to proceed
to Nathan Rochester Esq^r.

LETTER TO THE COMMITTEE OF SAFETY OF VIRGINIA.

[From MS. Records in Office of Secretary of State.]

16th July 1776

GENTLEMEN

It appears by dispatches from Charles Town that the Indians

have actually commenced Hostilities so that our presence at Salisbury is unnecessary, having given General Rutherford the necessary orders. Any dispatches you may have for this Board you'll please direct to Whitfields Ferry in Dobbs County by the way of Halifax, C. H.

GOVERNOR RUTLEDGE FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

Whitfields on Neuse River 16 July 1776

SIR,

Your Excellency's kind favour of the 7th instant came safe to hand. We have given Genl. Rutherford positive instructions to Embody and march Troops from this province agst. the Cherokee Nation, with directions to act in Conjunction with the Commanding Officer of your Colony. We have the greatest reason to believe the force General Rutherford will Carry with him when joined with that of your province will be sufficient to put a final End to the Indian War.

We have the honor to be with the greatest respect yr. Excellency's &c.

CORNELIUS HARNETT President

His Excellency John Rutledge President of S^c Carolina

TO GEN. LEE TO COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

16th July 1776

To His Excellency Gen Lee

SIR,

We have the honour of acknowledging the receipt of your Excellency's polite favour of the 7th Instant for which be pleased to accept of our thanks. Previous to its coming to hand we had given the necessary orders to Brigadier Rutherford (who commands on our Frontiers) to embody a sufficient force to march against the Cherokee Indians in conjunction with the commanding officer of S^c Carolina. The Troops Brigadier Rutherford carries with him are as chosen Rifle Men as any on this Continent and are hearty and determined in the present cause. We have every expectation from them.

With pleasure we assure you that they are well armed & have plenty of Ammunition in short they are well equipped. We rejoice most heartily with your Excellency at the calamitous and Whimsical situation of the British Heroes & our wish is that all the contemptible Creatures & Tyrants may ever be in the same distressed State

LETTER SENT GENL. RUTHERFORD RESPECTING INDIANS.

[From MS. Records in Office of Secretary of State.]

Whitfields 16th July 1776

SIR,

Since our last by Mr. Gibson to which we in a great measure refer you for your future conduct we have received letters from His Excellency President Rutledge of S^c Carolina & Gen^l Lee with respect to Indian Affairs Copies of which you have inclosed and we have only to desire that you will act in conjunction with the Commanding officers of S^c Carolina & Virginia and as we rely greatly on your wisdom & prudence in not calling forth more Men than are absolutely necessary shall leave this and every other matter to you. Your favour of the 10th of July and the Letters above mentioned have fully convinced us that Hostilities have been committed by the Indians our presence therefore is altogether unnecessary at Salisbury. We are sorry to tell you that our dollar Bills Emittted by the Congresses held at Hillsborough & Halifax have been counterfeited. We shall set off for Halifax tomorrow morning in order to bring if possible to Justice the infamous villains concerned in this wicked business. Should there be a probability of peace being brought about with the Cherokee Nation we think the S^c Carolina plan as contained in the President's Letter very much to the purpose and wish in case this should be done that you would agree to it. We are wishing you all imaginable Success Sir,

your obed hble. Servt

To Brigadier Rutherford

[ORDER BOOK OF GEN CHARLES LEE PAGE 18]

Charleston, S. C., July 20th, 1776.

Extract.

"The charge brought against Capt Cole of Col. Polks's Regi-

ment* is of so extraordinary a nature, and the character of the Gentleman accused is in general so good, that Gen'l Lee thinks it his Duty, previous to a formal Tryal, that a Court of Enquiry should examine the Affair. Col. Huger, therefore, and the Gentlemen summoned as a Court Martial, are desired to consider themselves as a Court of Enquiry. A Court of Enquiry is not sworn, but only collects Evidence, and gives an opinion whether the matter enquired into is, or is not, of so serious a nature as to render a Court Martial necessary."

*4th North Carolina Continentals.

July 21st

The Court of Enquiry, of which Colonel Huger was President, to examine into the conduct of Captain Cole of the 4th Battalion of North Carolinians, are of Opinion That he is not guilty of the Charge brought against him. He is, therefore ordered out of Arrest.

The 2nd Regiment of North Carolinians, or Col: Martin's, to be taken off all Duty this Day in order to be mustered; They are to assemble on their own Parade for this Purpose at 5 o'clock this afternoon. The 3^d Regiment of North Carolina, or Col. Sumner's, to be mustered To-morrow; of course to be put on duty"

COUNCIL OF SAFETY TO BRIGADIER RUTHERFORD.

[From MS. Records in Office of Secretary of State.]

Halifax 21st July 1776

SIR,

Yesterday your favour of the 12th & 14th July reached us for which we return you our sincere thanks and have to assure you that this board will with pleasure upon all occasions afford every assistance in their power to the Western Frontiers we refer you to our Letters sent by Messrs. Gibson and Jewel for your conduct with respect to Indian Affairs and have only now to tell you that the most vigorous measures must be fallen upon by you to put an end to this cruel unjust & wicked Indian war and in order to effect which you are hereby impow-

ered to raise as many of the Militia in your Brigade as will answer this Salutary purpose and to march with the same into the Indian Country in conjunction with Major Williamson who Commands the South Carolina Troops and there act in such a manner as to you in your good sense & judgement may seem best so as effectually to put a stop to the future depredations of those merciless Savages. We are truly sorry for the unhappy situation of our western Brethren and most heartily condole with them in their present sufferings. We shall very shortly remove higher up the Country of which we shall give you notice of the place. Tomorrow Morning a Waggon will set off from this Town with one thousand weight of Gun powder directed to you or in your absence to Mr. Matthew Lock Esq^r. In case you should bring the Cherokees to their reason and they should incline to make a peace with the Southern Colonies we would advise by all means that they deliver up Hostages for their future good behaviour. All other Matters we leave entirely to your discretion. As S^c. Carolina has by this time 2100 Men in the field and we hope they have joined you we therefore cannot think of ordering any Troops out of the Hillsborough Brigade (as you well know how many disaffected persons reside in that district & neighborhood) as we hope you have a sufficient force to conquer the Lower Cherokees. We recommend to you the greatest frugality in the article of Ammunition

We are Sir, with very great respect your mo. obed Servt
By order of the Council of Safety.

HONBL. SAM. JOHNSTON FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

Halifax 22nd July 1776

SIR,

You will we hope pardon our not writing to you before. The only apology which can be made is that the Council have had so much public business before them that they had not a single moment to spare.

Inclosed you will receive Copies of two Letters from So. Carolina the one from his Excellency President Rutledge the other from Gen Lee with respect to Indian affairs—the Council have

sent up an express to Brigadier Rutherford directing him as the Cherokee Indians both the lower Towns and over Hills had killed many White Men women Children within the line established by treaty to act in conjunction with Major Williams who commands the So. Carolina Troops agreeable to the President's* instructions to the Major. Many of the parties were headed by White Men and they have done more mischief than ever was known in the time. Their attack on the Frontiers was made within a few days of the attempt made by the ministerial Army & Navy to carry the Works on Sullivan's Island. The Council had determined to adjourn to Salisbury to prevent if possible an Indian war thinking perhaps that many of our people who had settled on the Cherokee side of the line might have been desirous of precipitating the Southern Colonies into War in order that they might have it in their power to cut off the Indians and possess themselves of their lands. Shortly after this determination the Council received the inclosed Letters and then thought their presence not necessary there and by Letter directed to Brigadier Rutherford to embody such a number of men from the Salisbury Brigade as would be sufficient with the forces under the command of Major Williamson to attack the lower Cherokee Towns. The Council have left every other Matter to the Brigadier's discretion not doubting but that he will act for the best and recommend in the strongest terms to him frugality.

The Council have the greatest reason to believe that the Virginians will march immediately a sufficient force from their Western Country to attack the Overhill Towns about the same Time the Carolina Troops will in all probability enter into the lower Cherokee Country which it is hoped will put the finishing stroke to this business.

The Council thought it their duty to Attend here for the purpose of making a full discovery if in their power of the Counterfeiters of the dollars Bills of the Emissions at Hillsborough & this Town. The Council will enter on this business instantly. Five persons concerned in this affair are safely lodged in Williamsburg Goal one of them whose name is Benjamin Woodman a very great offender & and the very Man who assisted in cutting the plates—the Committee of Northampton County sent off the other day twenty five Men to take up many suspected persons. The Council have reason

*President of S. C.

to believe some discoveries of importance to this Colony will be made.

Your letter inclosing particular papers by Mr. Jones came safe to hand and the first leisure hour the whole will be taken under consideration in full Council and be properly attended to

The Council most heartily congratulate you on the Continental Congress having declared the United Colonies of America Free and Independent States.

We have the honour to be
with very great regard & respect Sir,
Your Mo. obed Servts.

By order of the Council of Safety

TO THOMAS BURKE, ESQR. FROM CORN. HARNETT.

[From Executive Letter Book]

Halifax July 23rd 1776

DEAR SIR,

Your favour of the 16th of this Instant we received for which you have our thanks. The sending the Gun powder to Brigadier General Rutherford from the necessity of the case was prudent and justifiable; the bearer Captain Crawley will deliver to Brigadier Person or his order, six hundred weight of that article for the district of Hillsborough, which it is expected will fully answer for the present.

we are

Your very Humble Servants

Signed by order of the Council of Safety

CORNELIUS HARNETT

President

N. B. Inclosed is a resolve respecting Micklejohn, please deliver the same to the commanding Officer.

[FROM EXECUTIVE LETTER BOOK]

John Adam's Thoughts on Government.

The subject on which you was pleased to request my sentiments is of infinite importance to mankind. Politics is the science of

Human Happiness and the felicity of societies depends entirely on the Constitutions of Government under which they live. That famous couplet of a very great poet,

“For forms of government let fools contest
That best administered is best”

shows him to have been less attentive to the political and civil part of History, than the poetical. He must have read and studied for fanciful images, not social institutions, because the rectitude of administration depends upon the form, some species of government being always well administered, others never.

If you can determine what form of government will produce the greatest amount of human happiness you will at once decide which is best, this being the only criterion. If you determine what the dignity of human nature and the happiness of mankind consist in, you will decide what is that produces the greatest quantity of happiness. Divine, Moralists, philosophers and men of pleasure, all agree that it consist in Virtue. If there is a form of government therefore whose principle or foundation is Virtue, will not all these kinds of men acknowledge it to be better calculated to promote the general happiness than another the principle of which is Fear or even honor. I hold the principle of honor sacred—but am not ashamed to confess myself so much of Grecian or Roman, if not of a christian as to think the Principle of Virtue of higher rank in the scale of moral Excellence than Honor. Indeed Honor is but a part, a very small Part of Virtue. As to Fear it is so base and brutal a passion, that it don't deserve the name of a Principle and I think no gentleman of this Age and Country will think it a Foundation of Government proper for Americans. The spirit of the People among whom I had my Birth and Education, which you know very well, was always republican, altho' they never enjoyed a Constitution of Government conformable to that Spirit as the whole of the Executive, with an enormous prerogative, as well as two Branches of their legislative, and the whole of their judicial Power, were always in the hands of the Crown. It was wholly owing to the Constitution of their Towns. which were small Districts incorporated by an early Law, and vested powers to assemble frequently, deliberate, debate and act, upon many Affairs, together with the establishment of Grammar Schools in every one of those Towns, that such a spirit was preserved, at all among the people.

In my early youth, the Works of Sidney, Harrington, Locke, Milton, Nedham Neville, Burnet, Headly, were put into my hands and the miserable Situation of our Country, for fifteen Years past, has frequently reminded me of their Principles and Reasonings. They have convinced me that there is no good government but what is Republican. The British Constitution itself is Republican, for I know of no better Definition of a Republic than this, that it is an Empire of Laws and not of men: and therefore as I look upon Republics to be the best Governments so I think, that particular Form of Government, or in other words, that particular Arrangement and Combination of the Powers of Society, which is best calculated to secure an exact and impartial Execution of the Laws, is the best Republic.

Of Republics there is an infinite Variety, because the arrangements of the Powers of Society are capable of innumerable Diversifications.

Now Sir, as good Government, is an Empire of Laws, the first question is, how shall your Laws be made?

In a Society or Community consisting of any considerable number of People, inhabiting any considerable Extent of Territory, it is impossible, that the whole Body should assemble, for the Purpose of making Laws. They would be too numerous. They could not afford the Time or Expense. The first Step to be taken then, is to depute Power from the many to a few of the most wise and virtuous. But by what rules shall you choose your Representatives? Agree, upon the number of Persons, who shall have the Benefit of choosing one, or agree upon the Quantity of Property, which shall be instituted to one, or agree upon a District of Ground, the inhabitants of which shall have that Privilege. The principle Difficulty is, and the greatest Care should be taken in, constituting this Representative assembly. It should be, in Miniature, an exact Portrait of the People at large. It should think, feel, reason and act like them.

That it may be the Interest of this assembly, to do equal Right and strict Justice upon all occasions, it must be an equal Representation of the People, or in other words, equal Interest among the People, should have equal Interest in the Representative Body. No Art should be spared to effect this, and to prevent, unfair, partial and corrupt Elections; but such Regulations are better

made in Times of greater Tranquility than the present, and they will grow of themselves naturally when all the Powers of Society and Government, come to be in the hands of the People's Friends. At present it will be safest and wisest to go on in old established Methods to which the People are reconciled by Habit. Having obtained a Representation of the People in one Assembly, the Question arises, whether it is wisest to leave all the Powers of legislation in this Single Body, or to make your Legislature more complete? I think a People cannot be long happy or free, whose laws are made only by one assembly: my Reasons for this opinion are these,

1st. A single Assembly is liable to all the Frailties, Vices, and Follies of an Individual, Subject to fits of Humour, Caprice, Passions, Prejudice, hasty Results and absurd judgments, which ought to be corrected by some controlling Power.

2nd. A single Assembly is apt to be avaricious, and in time, would not scruple to exempt itself from Burthens which it would lay, without Feeling upon its Constituents.

3rd. A single Assembly is apt to grow ambitious, and vote itself perpetual. Witness the Case of Holland, whose assembly first voted that they should hold their seats for seven years, then for Life, and after some time they had the Modesty to determine, that when a vacancy happened by death or other wise, they themselves would fill it up, without applying to the Constituents of the deceased Members.

4th. An Assembly cannot exercise the Executive Powers, for want of two essential Properties, Secrecy and Dispatch, now if an executive Power is constituted distinct from the Legislative, and the Legislative consist of only one assembly, there will naturally grow a coldness, an opposition and at length a downright civil war between the Legislative and Executive.

5th. Because a Representative assembly is still less qualified to exercise the judicial Power, being too numerous, and generally too little skilled in those voluminous Collections of Laws, which are necessary to be thoroughly understood, and most carefully observed, in order to obtain a uniform, steady and impartial Administration of Justice, therefore I lay it down as a maxim that the Judicial Power should be distinct both from the Legislative and Executive. Now if you have your Legislative in one assembly, and

Executive in another, and the judicial Power leans to either it will naturally join with that, and over balance, overbear, and overturn the other. The Legislative, therefore, should consist of more than one assembly. Let the Representative Body then, elect by ballot, from among themselves or their Constituents a distinct assembly to consist of the most experienced, accomplished, and Virtuous Men which for the sake of Perspicuity we will call a Council, it may consist of any Number you please—Say twenty or thirty. When these two Bodies are thus constituted, an inquiry will arise, is the Legislature complete. I think not. There should be a third Branch which for the sake of preserving old styles and Titles, you may call a Governor whom I would invest with a negative upon the other Branches of the Legislative and also with the whole Executive Power, after divesting it of most of those badges of Domination called Prerogatives. I know that giving the Executive Power a Negative upon the Legislative is liable to objections, but it seems to be attended with more advantages than dangers, especially if you make this officer elective annually, and more especially if you establish a rotation by which no man shall be governor for more than three years annually elective, he may be allowed a free and independent Exercise of his Judgment, because he will have so much Regard for the People, the Representatives, and Council that he would seldom exercise this right except in cases, the public utility of which would be conspicuous and some such cases would happen. However if you like it better, give him only a casting Voice in Council.

In the present state of America when by an act of Parliament we are put out of the Royal Protection and it is become necessary to assume Governments for immediate security, the Governor should be chosen by joint Ballot of both Houses. In the same manner a Lieut. Governor, Secretary, Treasury, Commissary, and Attorney General, may be chosen. The Governor by and with and not without the advice and Consent of the Council should nominate and appoint all Judges, Justices, and all other officers civil and military, who should have Commissions signed by the Governor and under the seal of the Colony.—if you chose to have a government more popular still you may let all officers be chosen by one House, concurred with by the other and consented to by the Governor. Sheriffs should be chosen by the Freeholders of the

counties. Indeed the whole of this Plan is calculated for the present emergency. The Legislature thus constituted will have Power to make any alterations from time to time to supply Defects which Experience may point out. It may indeed give the Election of the whole Government annually to the people at large as in Connecticut.

The Stability of Government in all Branches, the Morals of the people and every blessing of Society depends so much upon a true Interpretation of the Laws, and an impartial administration of Justice, that the Judges should always be men of learning and experience in the Laws, exemplary Morals, great patience, calmness, coolness and Attention, should not have their minds distracted with complicated jarring Interest, or be subservient to any man or Body of Men or more complaisant to one than another. To this End, they should hold Estates for life in their offices, and their salaries should be fixed by law. By holding Estates for life I mean their Commissions should be during good behaviour. Such a Constitution as this naturally and necessarily introduces universal knowledge among the People, and inspires them, with a conscious Dignity becoming Freemen, good humour, good manners and good Morals. Virtue, honour, and Civility become fashionable.

That Elevation of Sentiment, which is mechanically introduced by such a Government, makes the common People bold, brave and enterprising. That Ambition which is inspired by it into every Rank and order of Men, makes them industrious, sober, and frugal.—In such a government some Elegance perhaps, but more Solidity.—some Politeness, but more Civility.—some Pleasure but more Business. If you compare a Country where such a Government prevails with the Regions of Dominations, whether Aristocratical or Monarchial you will think yourself in Arcadia or Elisium. But must not all Commissions run in the name of the King? No, Let them run thus “The Colony of North Carolina to A. B. Greeting” and be tested by the Governors in the Name of the King? No. Let them run thus “The Colony of North Carolina to the Sheriff of &c” and let them be tested by the Chief Justice.

Must not all indictments conclude “Contra Pacem Domini Regis”? No, Let them conclude against the Colony of North Caro-

lina and the "Dignity of the same" or "Majesty of the same" if you will.

We have heard much my Dear Sir, of a Continental Constitution. for my own Part I see no occasion for any but a Congress.

Let every Colony please itself without Control in its own Constitution. Let a fair and equitable Representation of every Colony, appear in Congress, and let the authority of that great Council be sacredly Confined to these Cases, War, Trade, and Disputes between Colony and Colony. If the thirteen Colonies, were all possessed of such Forms of Government, and a Confederation for the above Purposes, was agreed on in Congress and ratified by the Assemblies, they would be unconquerable by all Europe.

I must rely on your friendship, not to expose me to ridicule or Censure, unnecessarily, for these imperfect hints.

LETTER TO DR. BURKE.

[From MS. Records in Office of Secretary of State.]

Halifax 23rd day of July 1776

SIR,

Your favour of the 16th of this Instant we receive for which you have our thanks the sending the Gun powder to Brigadier Genl. Rutherford from the necessity of the case was prudent and Justifiable the bearer Capt. Crawley will deliver to Brigadier Person or his order Six hundred weight of that Article for the district of Hillsborough which it is expected will fully Answer for the present.

we are Sir, your very
hble Servts.

By order of the Council of Safety

C. H. P.

Hon Thos. Burke Esqr.

N. B. Inclosed is a Resolve respecting Micklejohn please deliver the same to the Commanding Officer.

LETTER TO WM. SHARPE, ESQ., FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

24th July

SIR,

Yours of the 19th of July directed to Genl. Jones is now before us the Council soon after you left us rec'd by express letters from South Carolina which rendered our journey to Salisbury altogether unnecessary, and we then determined to go for Halifax with intent to inquire into the Conduct of those villians who have been Counterfeiting our paper Cur 7. and to return to Nuse as soon as that business was effected of this we wrote you by express, We have already sent off One thousand wt. of powder for your district and an Order on the manager at Chizzells Mines for Lead. We have also ordered Gen. Person to march to your assistance against the Indians five hundred of the Hillsborough Militia which we hope will be sufficient to reinforce Gen. Rutherford & enable him effectually to subdue those Savage Wretches unless they Comply with the terms proposed by the Colony of South Carolina We expect to remove from here in a few days either to Wake or our old Landlord Whitfields where we shall Expect to see Mr. Alexander or yourself

We are Sir, your obed Servants

LETTER TO GEN. RUTHERFORD FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

Halifax 24th July 1776

SIR,

This day we received a Letter from Mr Sharpe dated the 19th day of this Instant informing us that you had marched on the 18th to the Frontiers of Rowan County at the head of two thousand and five hundred of the Militia of your Brigade. You now have our Express orders to march immediately and carry the war if necessary into the Cherokee Country. There act with the greatest vigour. We have ordered five hundred Men from the Hillsborough Brigade under the Command of Col Joseph Taylor to join you with the expedition

You will immediately have a supply of lead from Chiswells

Mines Mr. Lock will forward it to you with all the dispatch in his power. We have to request that you will send us expresses constantly and by them to let us know the situation of the Army under your Command and of what you may have occasion for. Yesterday we sent off under a proper guard one thousand weight of Gunpowder agreeable to your request. We depend very much on your prudence and good Conduct and are with great regard Sir,

Your Mo. obed Servts

By order of the Council of Safety

To Brigadier Rutherford

LETTER TO MATTHEW LOCKE, ESQ.

[From MS. Records in Office of Secretary of State.]

Halifax 24th July 1776

SIR,

Since you left this Town we received a Letter from the Honble John Page Esqr. President of the Council of State in Virginia directed to this board in which he mentions that you will be immediately supplied with all the lead at Chriswells Mines for the use of this Colony and that orders had issued for that purpose—inclosed you will receive a copy of Mr. Page's letter with an order on Mr. Callaway for all the lead he had by him—we have ordered five hundred Men from the Hillsborough Brigade under the command of Colo. Joseph Taylor immediately to march and join Brigadier Genl. Rutherford.

We are Sir with Esteem

Your Mo. obed Servts

By order

Matt. Locke Esqr.

LETTER TO GENL. ASHE.

[From MS. Records in Office of Secretary of State.]

July 25th 1776

SIR,

We have taken into consideration your favour of the 14 inst. and do applaud your Conduct and that of the Militia under your

Command, for their readiness in assisting to quell the late mutiny among the regulars at Wilmington

We are inclined to believe the unhappy tumult and Confusion proceeded from an Anxious desire among the soldiers of distressing the enemy and preventing their being supplied with any kind of provisions and not from any dislike or Aversion to the Service of their Country. We expect you will furnish us with a General return of the men under your Command and favour us with your Opinion as to the necessity of keeping the Militia longer on duty. as Companies which form the Militia Brigades must be disbanded at the Expiration of three months from the Completion of each respective Co. agreeable to the resolve of Congress; We think should they be longer wanted, it would be prudent after they are dismissed to enlist again under proper officers to be by you appointed, subject to the approbation of the Council all such as may be willing to Continue, and should this expedient fail and the service of the country require it we shall order from the different Brigades as many of the Militia as may be Necessary. The Barracks may be occupied by the regular troops in the Absence of the Militia and no longer. You will by no means Join the detachments under your command with the Continental troops, unless absolutely Necessary and should there be an occasion for such a junction, you will draw off the Militia again as soon as you may Judge it prudent, and keep them separate and distinct from the regular Army. Inclosed we send you the thanks of this board and remain Sir, with respect

Your Most obedient Servants.

COPY OF THE ORDER TO CALLOWAY AT CHISWELL MINES.

[From MS. Records in Office of Secretary of State.]

Halifax No. Carolina 25th July 1776

SIR,

You will deliver to Mr. Matthew Locke Esq^r. or his order all the lead which you may have in readiness at Chiswells Mines for the use of the Colony of No. Carolina taking a receipt for the same

we are Sir, your hble Servts

By order of the Council of Safety No. Carolina
Mr. Calloway Manager of Chiswells Lead Mines Virginia.

LETTER TO GENL. MOORE.

25th July 1776

SIR,

We Acknowledge a Majority of your field Officers must be the Judges. With respect to Blankets we can only say we have taken every step in our power to procure them. We have the promise of a supply from Philadelphia and that nothing in our power shall be omitted to prevent any Just cause of complaint in the Army. Our orders to you from Whitfields on Neuse we conceive you have Misunderstood as they contained nothing more than that you in Conjunction with General Ashe should annoy the Enemies as far as in your power not expecting impossibilities

We are Sir, your Hmble. Sevt

EATON

FORM OF A BOND FOR EXPORTATION OF STAVES, &c.

[From MS. Records in Office of Secretary of State.]

July 26th 1776

North Carolina

Know all men by these Present that we Robert Neilson, Alexander Telfair, John Thompson and Leslie of the Town of Halifax and province aforesaid Merchants are held and firmly bound unto Samuel Johnston Esquire President of the Provincial Congress in the Sum of Five Thousand pounds Procl. Money to be paid to the said Samuel Johnston and his Successors for the use of the province of No. Carolina to which payment well and truly to be made we bind our selves our heirs Executors and administrators Jointly and Severally firmly by these Present, Sealed with our Seals and dated this Twenty Sixth day of July Anno dom. 1776.

Whereas Robert Neilson Master and Owner of the Brigantine Polly hath this day applied to the Council of Safety for the Colony of North Carolina for permission to Export in his said Brig Sixty Thousand Pipe, and four thousand five Hundred Hogshead Staves from this Colony to some of the ports belonging to the Kingdoms of Portugal or Spain, in Order to procure for the use of this Colony a Supply of Salt and Warlike Stores, and hath obtained permission so to do.

Now the Condition of the above Obligation is Such that if this said Robert Neilson do and shall within Eight Months from the date hereof without fraud, faithfully import into, & for the use of the Inhabitants of this Colony Salt, Arms Ammunition & other warlike Stores, to the full Value of the Net proceeds of the said Sixty four Thousand five Hundred Staves, and shall also produce to the president aforesaid an Account of the Sales of the said Cargo with a Certificate from the officer of the port of delivery within the time aforesaid, then the above obligation to be Paid, Otherwise to remain in full force power & Virtue the danger of the Seas Enemies & restraint of Princes only excepted.—provided that in Case of Seizure by the Enemies, restraint of Princes such seizures or restraint shall be made known and sufficiently proved before the Chief Magistrate of this Colony within Eighteen Months from the date hereof

Signed Sealed and Delivd.

in the presence of

TO COMMITTEE OF PASQUOTANK.

[From MS. Records in Office of Secretary of State.]

Halifax 29th July 1776

GENTLEMEN

Inclosed you will receive a very sedicious and dangerous paper said to be in the hand writing of one William Clark now a prisoner on his parole in the Town of Nixonton sent there by an order of the last Congress the Council have to desire that you will immediately on the receipt hereof meet in Committee and cause the said William Clark to be brought before you and also to summon such persons as are acquainted with his handwriting. Perhaps Mr. William Cumming in your County may be able to give some information and should the fact be proved to your Satisfaction in that case you will order him to the Gaol of the district of Edenton and there to be kept a close prisoner until it shall be farther ordered by this Council of the Congress

We are Gentlemen

Your hble Servts

By order of the Council of Safety

The Committee of Pasquotank County of the River on the So. Side.

COUNCIL OF SAFETY TO GENL. RUTHERFORD.

[From MS. Records in Office of Secretary of State.

Halifax 29 July 1776

SIR,

We have this day rec'd a Letter from John Page Esqr. president of the Council of Safety in Virga. making application for 300 men to join the Virg. armament destined agst. the Over Hill Cherokees. We have thought proper to comply with the Request and have made a resolution to that purpose, which you will receive herewith, and which we expect you will comply with, with all possible Expedition. By advices from Surry County we learn that you have ordered no men from thence to join you agst. the Lower Cherokees, we would therefore recommend that you order the 300 Men above mentioned out of that County.—Mr. Page informs us that the Virginia Troops have no Salt, and writes pressingly for a supply of this Article; you will therefore be pleased to send 50 bushels of the Salt already sent up to your District along with the Detachment ordered to Holstien and we will take care to have that Quantity replaced from Cross Creek.

We have this day sent off 150 wt. of powder to Surry County; if you can't spare any of the powder which you have, for the Detachment ordered to Virginia, you must give an order to the Commanding Officer, to apply to Colo. Martin Armstrong for the powder above mentioned or such a part of it as you may think necessary.

We have also directed Colo. Armstrong to spare some Lead (for which we gave him an Order on Mr. Locke) if wanted.

P. S. We earnestly recommend to you to give us the most full and speedy Intelligence of your proceedings agst. the Indians. Should you find that there is no need of the 500 Men ordered by this Board to join you from Hillsborough District, you will, of course countermand them immediately.

To Gen. Rutherford.

(Council of Safety to Col. Armstrong.)

Since writing the above we have directed Gen Rutherford to send 300 Men to the Assistance of the Virginians agst. the Overhill Cherokees to rendezvous at Stalnackers on Holstien, and have recommended to him to order them from Surry, as Mr. Sheppard

informs us that no men have marched from that Co. agst the lower Cherokees. It will be necessary that this Detachment march as expeditiously as possible, and therefore for fear of delays we have directed Genl. Rutherford to give the Commanding Officer of such Detachment an order on you for a part of the Whole of the 150 wt. powder sent by Mr. Sheppard. Should they also apply for the Lead for which we have sent you an order on Mr. Locke, you will be pleased to furnish as much of it as you can spare. If Genl. Rutherford sends the above powder and Lead with the Detachment the Virginia Council will direct a further supply of those articles for Surry County, if necessary.

To Col. Armstrong, Surry.

(Council of Safety to Gen. Ashe.)

We lament that an Action of Gen^l Moores, which we make no doubt sprung from Humanity alone should have been productive of such dangerous & alarming Consequences. We again conjure you for your Country's sake, and for your own Honour, to promote unanimity between the Officers and Soldiers of the Regular army and Militia.

COUNCIL OF SAFETY TO COL. ARMSTRONG.

[From MS. Records in Office of Secretary of State.]

Halifax 29th July 1776

Sir

We have received a letter from the Committee of Surry County dated 20th July requesting a supply of Ammunition. The Council have already sent Gen^l Rutherford for the use of Salisbury district a large Quantity of powder and a draught on the Managers of Chizzell's mines to supply Mr. Matthew Lock with as much lead as he may have Occasion for, but as General Rutherford may have marched against the Indians before our orders on him to supply your County can arrive we have delivered to Mr. W^m Sheppard, one hundred and fifty weight of Powder and an order on Mr. Locke for five hundred weight of Lead for the use & protection of Surry County, whose Inhabitants we highly applaud for their firmness and spirit in supporting the American Cause and shall at all times be ready to give them every protection and assistance in our power.

we send you inclosed a declaration of Independence lately published by the Continental Congress with our directions to the Committees, respecting the same. We trust that you will summon the people of your County to meet on this Occasion and have the Independency Proclaimed in the most public manner. We are Sir, with respect

Your Mo. Obed Servts

Signed in behalf of the Council.

C^t Armstrong

COUNCIL OF SAFETY TO COLO. JNO. BUTLER.

[From MS. Records in Office of Secretary of State.]

Halifax 31st July 1776

SIR,

Your favour of the 25th June is now under Consideration We are sorry to hear the people of Guilford are still inclined to raise new disturbances in this Colony and shall take every method in our power to prevent their wicked intentions being Carried into execution. Gen. Person has orders to embody five hundred Men from your district to reinforce Genl. Rutherford, and we expect he will induce the people of Guilford to turn out on this Occasion, which may in some measure prevent for the present any disturbances from that Quarter and as Colo. Folsome is supposed to be now in Guilford with a party of armed men, we doubt not he will take proper notice of the rioters there and reduce them to Order. It is expected the officers in each County will see the resolves of the Congress respecting the Militia duely Observed & that the Colonels will Issue their Warrants to the Sergeants of the respective Companies to distrain for and Collect the fines from all delinquents. Hunter will be sent for under guard to answer before this board for his conduct and neglect of the order of Congress

We shall be glad to hear from you on every important Occasion And are with respect Sir.

Your Mo. obed Servts

Signed by order of the Council

N. B. we have p'd your express the 3 dollars which you'l not include yr. Settlement with him.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE]

North Carolina

In the Council of Safety 2nd August 1776

Resolved that John Smith of Halifax County be immediately brought before this Council, for passing Counterfeit Money. That Mr. Philip Harvey and Mr. William Harris be sommoned to appear as Witnesses at the same time, and that the Commanding Officer of said County see this Resolution Carried into Execution.

CORN. HARNETT President

By order J. S. GREEN jun. Sec.

COUNCIL OF SAFETY TO WM. HOOPER, JOS. HEWES & JN. PENN.

[From MS. Records in Office in Secretary of State.]

Halifax 3rd August 1776

GENTLEMEN,

The Council particularly recommended to your attention Mr. James Mills the bearer of this to you. He is employed in behalf of this State to procure one or more persons properly skilled in the art of casting Pig Iron Cannon, Cannon Ball and hollow ware. Should Mr. Mills have occasion for Money you are requested to furnish him with what to this end he may want. You are Impowered to apply to the Continental Treasurers & answer which must be charged to this State. You will, the Council make no doubt, afford Mr. Mills your advice & Assistance as he is recommended to the Council by the Commissioners appointed by the last Congress to superintend the Iron Works in Chatham County We are with great respect

Gentlemen your Mo. obed Servts.

[ORDER BOOK OF GEN. CHARLES LEE PAGE 18]

Charlestown, Aug. 3, 1776.

Extract.

"The whole Troops, Continental and Provincial, that are off Duty to parade to-morrow afternoon at 3 o'clock near Liberty Tree.

The Brigade Major is immediately to procure a Return from the

Virginia and North Carolina Regiments of the number of those who from Sickness are unfit to march ; those in the Hospitals, or those who ought to be in the Hospitals; and the Convalescents and slightly indisposed to be distinguished in different columns.

Colonel Roberts and Major Elliott are added to the Court of Officers that are appointed to settle the Continental rank of Col Mühlenburg and Col. Sumner."

By order of the Council of Safety

WM. HOOPER
JOSEPH HEWES } Esqrs.
JOHN PENN }

Delegates in Congress Philadelphia

FROM LETTER TO GOV. RUTLEDGE, OF SO. CAROLINA.

[From MS. Records in Office of Secretary of State.]

Halifax 3rd August 1776

SIR

We have this moment rec'd a Letter from Mr. Page president in Virginia, informing us of the success of a party of Virginians against the Creeks and Cherokees. We beg leave to congratulate your Excellency on this Circumstance. We presume Mr. Page has given to your Excellency or to Gen. Lee the same Intelligence which he has communicated to us, however lest thro haste he should have omitted so to do, here follows the Post Script of his Letter to us.—“We have certain Intelligence by a person who made his Escape from the Cherokee Towns that they were marching 600 Men into our Frontiers (the party defeated by the Virginians was a Detachment from that Army) that they had 2400 Hundred fighting men in the different Towns,—that Creeks had joined and 15 Northern Tribes.” We have ordered Gen. Rutherford with the Militia in the District of Salisbury, to join and cooperate with your Forces against the Indians, and we hear that he has about 2000 Men ready or nearly ready to march. We have ordered 500 Men from the District next to Salisbury, to reinforce Gen. Rutherford, and 300 Men to join the Virginians agst. the Overhill Cherokees.

His Ex. John Rutledge Esqr.

[FROM MSS. IN THE OFFICE OF SECRETARY OF STATE]

Halifax 3rd August 1776

Gen. Moore.

SIR,

In our Letter to you with respect to waggons the Council desired that three of them and a sufficient guard might be immediately ordered by you to Whitfields Ferry on Neuse River there to receive from the Virginia waggons four thousand weight of Gun powder. Since the Meeting of the Council here the waggons from Virginia arrived and the Gun powder was deposited in the Magasine as the waggons were ordered by the Council of that State to proceed to this Town only.—The want of waggons here and the very great demand for Gun powder on the Frontiers has induced the Council to keep the Gun powder here & to order the waggons from Whitfields to Capt. Stephen Cobbs on Contentney Creek there to be laden with Bacon and Pork for the Army and return to Wilmington.

Inclosed you'll receive a Copy of a Letter which the Council this day had by Express from Williamsburg from Mr. Page President of the Council of State in the Colony of Virginia.

We are with very great
respect your Mo. obed Serv't

By order of the Council of Safety.

P. S.

Brigadier Rutherford has under his command about 2000 Men & marched himself with a detachment of 500 Men from the Main body to dislodge a considerable Number of Indians that had taken post about 25 Miles within the Cherokee line at what they called their head quarters.

Brigadier Genl. Moore

PRESIDENT JN. PAGE, OF VA. TO PROVINCIAL CONGRESS OF N. C.

[From MS. Records in Office of Secretary of State.]

Halifax 3d August 1776

SIR,

We received your favor of 1st instant and congratulate you upon the success of your people agst. the Indians.— Since our last to

you, which you will receive herewith, we are told that a Body of Indians supposed about 200 had established their Head Quarters on Nolickukey about 30 Miles West of our Frontiers, and that Genl Rutherford was gone with a Detachment of 300 men to attack them.—

Col^o. Long is just arrived from Wilmington, and informs us that an Express arrived there from Gen. Lee a day or two before he left that place, informing Gen. Moore the greatest part of the Transports and some of the men of war which lay below Sullivan's Island had gone over the Bar, and that some Deserters from the British fleet said it was the general opinion among the Saylor's that the Army and fleet were bound for N. York.

We return you our thanks for the Intelligence which you are pleased to communicate to us, and shall not fail to communicate to you all Advices, coming to us, that may be essential to the Good of the Common Cause

We have the honor &c

Honb^l. JNO. PAGE.

[ORDER BOOK OF GEN. CHAS. LEE, P. 19.]

August 6th, 1776.

“The Court of Officers that sat yesterday to settle the Continental Rank of *Col. Mühlenburgh and †Col. Sumner, report as follows:

“That after having maturely considered the Premises they are of opinion, That both on account of the want of proper vouchers accurately to ascertain the rank of Col. Mühlenburgh and Col. Sumner, and particularly on account of the absence of the latter without his having appointed anybody to appear before this Court in his Behalf, it would be improper for them to come immed^y to a Determination on this matter: But as it may be necessary for the good of the Service that there should be a temporary settlement of the Rank of Col. Mühlenburgh and Col. Sumner, the Court therefore, recommend that these Gentlemen for the present cast Lots for Rank of both of them 'till a farther determination.

Gen. Lee approves the foregoing mode for settling the rank of Col. Mühlenburgh and Col. Sumner until it can be better ascertained, and it is ordered that they settle the rank accordingly.”

*. Virginia Regiment.
†. 3d North Carolina Regiment.

P. 21

Savannah, August 25th, 1776—

“ Besides the party already ordered for Fatigue, a Subaltern and 30 men of Major Mayson’s Rangers are to parade to-morrow morning precisely at 6 o’clock—

Detail for Fatigue:

| | |
|--------------|--|
| 1 Subaltern, | 15 Rank and File from Col. Moultrie’s. |
| 1 Do. | 13 do. do. “ Col. Huger’s. |
| 1 Captain, | 22 do. do. “ Col. Sumner’s. |
| 1 Sub. | 30 do do “ Major Mayson. |

agreeable to the above order

All the Fatigue party to parade at the Guard House To-morrow morning at 6 o’clock precisely.”

GENL. ASHE FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

Halifax 8th of August 1776

SIR,

We have received yours of Augt. 2nd, inclosing a general return of the Militia, under your Command, and an Extract of Lord Chat-ham’s Letter to Lord Camden.—

This Extract was published with Virginia papers, with the same observation in which you make, that it was probably spurious.

Col^o. Long gave us information that Clinton & his troops had left Charlestown and were probably gone to New York, and we only waited for a Confirmation of this intelligence to justify disbanding of the Militia.

This being now confirmed you are hereby directed to disband the Militia under your Command immediately on Receipt of this. We submit it to you to direct in what order the Militia shall march to their respective Districts, confident that you will order it for the best. As it is probable that the Militia may again have Occasion for the Barracks e’re long, it is the Opinion of the Council that they be not pulled down, but that they be put in the care of Genl. Moore, and we have wrote to him on that subject.—

GENL. MOORE FROM C. H. P.*

[From MS. Records in Office of Secretary of State.]

Halifax 8th Augst 1776

SIR

Being informed by Gen. Ashe that Genl. Clinton has left Charlestown and is probably gone to New York, we have ordered that the Militia be discharged.—As it is uncertain how soon the Barracks may be again wanted we have directed that they be not pulled down, and we request you to see that they are taken care of. You will use them or not, as you please, for the Regulars, for the present; but whenever the Militia is called down they must have them.—

There is nothing new or material to communicate to you.—Capt. Bloodworth informs us that two of our men are prisoners on Board of the Man of War, and he is desirous that they be exchanged.—There are here one Atchison, a midshipman belonging to the Syren; and one Frazier an Adjutant, taken at Moore's Creek Bridge. If you think proper, you will endeavour to effect an Exchange.—We presume they would give up both our men for Atchison; but if they will not you may throw in Frazier.—We submit this matter to you, if you agree on the Exchange be pleased to give me Notice, and we will order accordingly

C. H. P.

* i. e., Cornelius Harnett, Prest.

GEN. JAS MOORE FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

Halifax August 12th 1776

Gen. Moore.

Sir,

Your letter of the 31st of July last by Joseph Bayley reached the Council on Friday last—you will receive inclosed a Letter from Brigadier Gen^l Lewis to which you are referr'd. The bearer Captⁿ David Crawley who has under his command a guard of twelve men will deliver you the Gun powder and Dollar Money Mentioned by the Brigadier in his Letter to the Council which the Council wish safe to your hands and have only to desire that you will give such

further directions which to you may appear necessary. With respect to James Bowen you are requested to send him immediately under a sufficient guard to New Bern Gaol there to remain a close prisoner until further orders. William Stuart is charged with having been in the Employ of Gov. Martin as a Spy & having communicated to him many Matters of Importance to this State therefore you will Also send him under guard to Harrisburg in Granville County there to remain on his parole— as to Lead every means has been made by the Council to procure that Article and so soon as a supply can be had a sufficient quantity will be forwarded to you— It is reported that a Fleet of Transports having Troops on board sailed from Staten Island about twenty days past said to be a reinforcement to Gen' Clinton's Army.—The Council reconimend to you to collect all the Leaden weights, pumps & Seine leads to be had in your Neighborhood, which will be instantly paid for.

We are with great

respect Sir, your Mo.

obed Svts.

By order of the Council of Safety.

COUNCIL OF SAFETY TO COL. FOLSOME.

[From MS. Records in the Office of the Secretary of State.]

Halifax 13th Aug. 1776

Col. Folsome

Sir,

Yours of the 7th of Aug^t lies before us.—As your Detachm^t has never been complete and is rendered still weaker by Capt. Caldwell's Departure, and as there is Cause to suspect the Tories of evil Designs, the Council are of Opinion that the 25 Volunteers whom you have taken into pay should be continued until Caldwell returns, or, until further Orders from us.—It has been represented to us that you follow gaming and other Dissipation to the neglect of your Duty as a Soldier, but we hope this is not true; however we beg leave to observe that the Command intrusted to you is a Matter of much Importance to the Publick, and to recommend the greatest Vigilance and Activity in the discharge of it.—We have already done everything in our power to procure Lead for the Publick from Chizwells Mines and elsewhere, to very little

purpose; but we shall continue to do every thing we can to this End, and when we have procured some, your Detachment shall be supplied among the Rest,—and in the mean time, you are directed to collect all the Lead you can find in your County, such as Lead, Lead weights, sheet or Bar Lead, and reserve it for publick use, & giving Receipts to the Owners specifying the Quantity that they may hereafter obtain payt.

It is altogether out of our Power to make an additional allowance by way of Rations or otherwise to the Horse;—that must be submitted to Congress.

We have already sent Orders to you to render us an Acct. of all the Salt, in whosoever hands it may be, at Cross Creek; but as you have not so done we presume you have not recd. the order.

COUNCIL OF SAFETY TO DELEGATES IN CONGRESS.

[From MSS. Records in Office of Secretary of State]

Halifax 14th August 1776

GENTLEMEN,

Early in July last we received certain intelligence from Brig. Gen Rutherford that the Cherokee Indians had commenced Hostilities on the Inhabitants of S^c Carolina and this State. We immediately ordered Brig. Rutherford to march with a sufficient force from the Salisbury Brigade into the Cherokee Country and to carry the war into the lower Towns & middle and Valley Settlements. We at the same time Sent up a large quantity of Gun powder since which the Council have received Information that Brigd. Rutherford had marched with 2000 Men. The Council are in full expectation that by this time he is joined by Major Williamson who commands 1.100 of the South Carolina Forces and has orders from the President & Council of that State to act in Conjunction with the Commanding officer of this and the Troops under his command. We have further ordered 500 Men from the Hillsborough Brigade as a Reinforcement to Gen^l Rutherford under the Command of Col. Joseph Taylor who will be ready to march in a few days. On application from the Council of State of Virginia, The Council have ordered three hundred Men from the Surry Regiment of Militia to be embodied with all expedition and to march to Hal-

nackers on Holston River there to join 1200 of the Virginians; these 1500 Men are to March into the Towns of the over Hill Cherokees and Matters are directed so to be managed by the Commanding officers that the attack may be made nearly at the same time against the over Hill, lower Towns, Middle, & Valley Settlements—The Creek Indians have joined the Cherokees and are out with them in every party. Many white men have been seen with the Indians on the Frontiers of So. Carolina. Cameron Stuart's deputy is in the over Hill Towns supplying the Indians with Goods, Ammunition & Arms and giving them every encouragement to destroy the Inhabitants of the Southern States. They have been but too successful in the beginning of this bloody business as many of the Inhabitants in S^c. Carolina and this State have been cruelly Murdered however the Council have the pleasure to tell you that since Genl. Rutherford and Major Williamson with the Troops have appeared on the Frontiers not a Man of them is to be seen and the Council hope in about six weeks to give you an account of a capital stroke being struck against those Merciless savages as our Troops are well Armed and in high health & spirits—one of the reasons which induced the Council to order out so formidable a force from this State was that the Frontiers of South Carolina are but thinly peopled & many of the Inhabitants called down to Charlestown to oppose Genl. Clinton and as there was a junction of the Cherokees & Creeks immediate force was absolutely necessary and that the war should be carried on with rigour into the very heart of the Cherokee country which will undoubtedly strike terror into the Southern Indian Nations. This war with the Savages will prove very expensive but we hope the above circumstances will justify their own conduct and induce the Congress to think with us that the expense should be a general charge.

By a young Man, one Linton, a Lieutenant in the 3rd Regiment commanded by Col^o Jethro Sumner who arrived here last night from Charlestown we are informed that several Men of war, Transports being part of the Fleet, which sailed from Charlestown, had arrived at Beaufort 60 or 70 Miles to the Southward of Charlestown and landed about 1500 Men who were intrenched near Port Royal and that Gen. Lee was to march the day he set off the 2nd of this Instant with 1500 Men to join Col^o. Bull who commands a large body of Militia near Port Royal and that from the desert-

ers who came over to our Army we learn the British Soldiers & Seamen were very sickly and that many of them have died— The rest of the Fleet it is said are sailed to New York and Antigua We have to request that you will send off with all possible dispatch the Materials for boiling & Manufacturing of Salt. and that any dispatches which you may send to this board by any South Carolina expresses you will direct to the care of Willie Jones Esquire on his absence to Mr. Will^m. Martin in Halifax and they will be immediately sent to us at Wake Court House to which place we shall adjourn to Morrow & please to send on the paper

We are Gent. with

respect your Mo. obed Serv't

By order of the Council of Safety

P. S. There is not a single British Ship of war at Charlestown To Will^m. Hooper, Joseph Hewes, John Penn Esq^{rs} delegates in Congress, Philadelphia.

COUNCIL OF SAFETY TO R. BLACKLEDGE.

[From MS. Records in Office of Secretary of State.]

SIR. We received your fav. of Aug. 1st with the samples of Salt, (by Mr. Jones) which gives us much satisfaction; as they afford a flattering prospect of ample supplies, in future, of that necessary Article. We recommend to you to proceed, with all possible Expedition, to the Completion of your evaporating scheme; but as the advanced State of the Season will probably prevent you from doing much in that way shortly, we approve of your making the Experiment by boiling.—

We shall be glad at all times to hear how you proceed and are.

22nd Aug. 1776

To R. Blackledge

Wake Aug. 23rd 1776.

SIR,

We beg leave to inclose to you some Resolutions of Congress relative to the Continental Troops in this State, and an Extract from Messrs Hooper Hewes and Pen's Letter to us.—

We are happy in the prospect of having our brave Soldiers armed against the Inclemency of the approaching Seasons—the Severity of a Winter Campaign, which we are taught on all hands to expect;

and therefore we recommend to you to take the proper steps for completing the Continental Battalions. You will observe that the Light Horse are put upon Continental Establishment. No material News either from the North, or the West. Washington's Letter which you will receive herewith, will shew you the situation of the army at New York &c.—

We are,
Sir.

GENL. RUTHERFORD FROM COUNCIL OF SAFETY.

[From Ms. Records in Office of Secretary of State]

Wake Aug. 23rd 1776.

GEN RUTHERFORD, SIR,

Since our arrival at this place we have had reports from various Quarters to this Effect, that the Cherokees of the lower middle and valley Settlements in short all the Cherokees below the Mountains, had abandoned their settlements and fled to the Over hills. We have also been told that Maj. Williamson with the So. Carolina Troops has penetrated into their lower towns Should this be the Case, we apprehend it will be necessary to disband part of the Army under your Command, to station some of the Remainder on the Frontiers, and march the Rest to join the Virginians, as they will, if the above reports be true, have to encounter with the whole force of the Cherokees.—having determined to adjourn to Salisbury some time next week, we have prevailed on Mr. Person to ride to your Camp and confer with you, that, on his Return, we may have the most perfect Information of the state of Indian Affairs. You will be pleased to communicate to us at large your Ideas of the best and most effectual Method of conducting the War against the Savages, both defensively and offensively.—

• We are with great Regard Sir.

GENL. MOORE FROM SAML. ASHE.

[From Ms. Records in Office of Secretary of State.]

Wake 24 Aug^t 1776

SIR,

Inclosed you have the affidavits of Wm. Harrell and David Smith charging David Craig second Lieutenant in Wm. Temple Coles

Company—with passing Counterfeit Money.—as such practices are now frequent and are of the most dangerous Tendency, it becomes necessary for us to use the most vigorous Measures, and as the proof of passing Counterfeit is direct against him, and we strongly suspect that he is also knowing to the making and engaving of the 5 Dollar plate, we must request the favor of you to have him apprehended, and brought before yourself and Mr. Harnett for Examination, and that you send him to Halifax Town, under Guard, unless you and Mr. Harnett shall be of Opinion that he is not guilty of the Charge. We suspect that some designing persons have been passing Counterfeit among the Soldiers, and send one of the 5 Dollar Counterfeits, which came from Craig, for Comparing to be returned to us by Mr. Harnett.—

It will be proper to direct Craigs Quarters to be narrowly searched. — Mr. Harnett knows the four Dollar, & 2½ Dollar Counterfeits,

we are

SAML. ASHE Presdt.

EBEN. FOSTER FROM S. A. P.*

[From Ms. Records in Office of Secretary of State]

Wake 26th August 1776.

SIR,

The Council having Considered Captain Bullock's Letter to yourself respecting the commencement of the pay of the officers and Soldiers of your Deta^{hmt}, and the making up a proper pay Roll, are of opinion that they ought to be paid from the time of entering into Actual Service, that is the officers from the time of entering on duty and the Soldiers from the time of Marching from their respective habitations, we refer you to the Resolve of the Congress for the Making up a proper pay Roll which we suppose is expedient enough.

We are y^{rs} &c

S. A. P.

P. S.

Mr. Ralph Williams, Lieut. in Bullock's Company, will be entitled to pay from the time of entering on duty until the day he was discharged by Col^l. Butler at Hillsborough—and again from the time of his Second entering on duty so long as he shall Continue in the Service not allowing for the intervening space.

*Saml Ashe, President.

Sales of 8 Tory & 2 Public Horses at Wake. 28 Aug^t. 1776.

Sales of 8 Tory and 2 Public Horses at Wake Court House by order of the Council of Safety 28th Aug^t. 1776

Brought there by Col^o. Folsome from X Creek.

| | Brand | |
|-----------------------------|---------------|----------------|
| 1 Roan Hrse to James Martin | c. c. | 25.10. |
| 1 Bay ditto | Chris. Curtis | G. L. |
| 1 Sorrel ditto | Joel Lane | 3 |
| 1 Small Bay ditto | Isaac Hunter | |
| 1 Black ditto | ditto | X |
| 1 Grey Horse | Joel Lane | H. C. |
| 1 Bay ditto | ditto | P. H. |
| 1 dark Bay Mare | ditto | 0 |
| 1 Bay Horse | Drury Massey | 2 |
| 1 Grey Horse | Joel Lane | 8. |
| | | <u>111.5.6</u> |

Paid Mr. Jones Vendue Master £1.0.0.....6.11.3

Commissions @ 5 per Ct for Conducting.....£104.14.3

Superintending, receiving & paying away
the money.....5.11.3

6.11.3

Errors Excepted

JAS. GREEN JUN.

GUILFORD COMMITTEE FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

Wake Augt. 28th 1776

SIR,

By Capt. Jenkins we received the prisoners Elliott &c. agreeable to order of your Committee; The Council highly approve of the Conduct of that Body, and beg Leave to return them thanks thro you for the Vigilance and activity which they have shewn in supporting the Cause of Liberty. With respect to the Company of Light Horse, which you have thought the particular Circumstances of your Country required we can only say that we see nothing objectionable therein, provided that they never act with-

out Orders from the Committee, that they draw no pay unless in actual service, that they be not employed without absolute necessity, and that no more of them be called out at any one time than Exigency of the Occasion may require.—

From Journals of Congress, P. 465.—September 3rd 1776.

Resolved, That three more battalions be ordered from Virginia
* * * to reinforce the army at New York.

That for the same purpose, two of the North Carolina Battalions be ordered to march, with all possible expedition, to New York, under the command of brigadier-general Moore.

DELEGATES IN CONGRESS FROM COUNCIL OF SAFETY.

[From MS. Records in Secretary of States Office.]

Salisbury September 9th 1776.

GENTLEMEN,

Your obliging favor of the 29th day of July last came to hand this day for which you have our thanks—we are made extremely happy to learn from you that the Hon^{ble} Continental Congress seems so well disposed to afford the proper necessary assistance to this colony. The Articles Mentioned in our former Letters we earnestly request may be forwarded with all expedition to Halifax Town.

With respect to your Army under Brigadier Genl. Rutherford we have to tell you that it marched into the Gap of the mountains on the first day of this Instant being then about eighty Miles distant from the Cherokee middle Settlements and this is the day appointed and agreed upon between Genl. Rutherford & Major Williamson who commands the S^c. Carolina Forces to meet in that Country and the Valley Settlements to put an end if possible to the farther depredations of the Savages by destroying all their Towns & Crops on the Ground— Major Williamson has already put the finishing Stroke to the lower Towns and Crops of Corn near them. Inclosed you have a list of the Towns destroyed as also Copies of several Letters Directed to Genl Rutherford to which we refer you as they will at one view give you a perfect knowledge of the present Indian business. We have the Frontiers of this State properly secured against any injury which may be attempted

We have to desire that you will apply to Congress for the release-ment of Michael Holt, at this time a close prisoner in Philadelphia Gaol put there by order of our last Congress. The unhappy situation of this Man's Family the application of the Committee of Orange County & of many reputable & respectable friends to the cause of American liberty in his favour has induced us to make a Resolve in his behalf a Copy of which you have inclosed as also an oath which he must take previous to his discharge before the Mayor or some other Officer empowered to administer an oath. In Genl Rutherford's absence damage has been done by strowling parties of Indians & good and sufficient Forts are needed in the Counties of Tryon & Rowan & Surry and tomorrow we shall send off an Express to Genl. Rutherford to build proper forts in the Cherokee Country as Major Williamson has done the same where the lower Towns stood—you will observe in the postscript to Genl. Rutherford's Letter he mentions pack Horse Men. It may be necessary to let you know that these Men are all Armed and the whole Army amount to about 3,000 Men which we think a very large force from this State but it was thought best to march forth a sufficient Army at once to subdue the Indians in order that our people might in return get some rest and be prepared to give the necessary support to the Seaboard as we expect a visit in the Southern Colonies from the Ministerial Troops in the Winter—we have given every facility and assistance to the recruiting officers from the State of Georgia and have the pleasure to acquaint you that they have met with great success—Col^d. Christain who commands the Forces of Virginia & this State, in the whole about 2200 Men, will proceed immediately against the over Hill Cherokees—you will observe in our Letter of the 14th Day of last month that we had ordered out 500 Men from the Hillsborough Brigade. These Men Marched near to the Mountains. We thought it proper to discharge them as Gen^l Rutherford had as it was thought a Sufficient force in Conjunction with Major Williamson to subdue the Cherokee Middle & Valley Settlements.

We are sorry to tell you that we have been under the necessity of permitting a few vessels to carry out to the Foreign West India Islands Staves for the Express purpose of importing Salt, ammunition Arms & warlike Stores. Bond with a large penalty is taken by us for the true performance of the Voyage. It is impossible for us to describe the distressed Situation of this State for the want of Salt

the Inhabitants in general say only let them have that article and they will fight so long as they have Existence in support of the just rights of their Country and that without it themselves Families and Stocks must perish. We hope when these Circumstances are considered the Congress will think with us that such a procedure was not only justifiable but absolutely necessary to preserve the peace & good order of this State.

LETTER TO GEN. RUTHERFORD FROM COUNCIL OF SAFETY.

[From MS. Records in the Office of Secretary of State.]

Salisbury September 11th 1776

SIR,

By Brigadier General Person we received your Letter dated the first day of this instant by which we are fully informed of the number and Situation of the Army under your command. This will be delivered you by Mr. Avery if no accident happens: this Gentleman is sent on purpose to you & requested to return with all possible Expedition. It is our wish and desire that you will by him acquaint us with a State of the Army, and with the Situation of the Enemy, as also where our Forces, and the Enemies are, and about what time you think you will Effect the purpose of the Expedition. It is also our desire that should you conquer the enemy and possess yourself of their Country that you would if it appears to you, sensible, and expedient, erect in the most suitable place, a good and substantial Stockade Fort, and to Garrison the same, with a sufficient number of Volunteers, drawn out of the forces which you Command. We hope that young men who have no families at home, will readily offer themselves on this important occasion. Should you be able to effect this, it will be proper to preserve all the Corn in your power, more than will be sufficient for the use of the Garrison, as also to spare as much Provision Ammunition as you can or shall deem necessary. It will be quite convenient and prudent, that you should on your return home, if it is practicable, clear a road from the Enemies Country, into this; as by opening of a Road, their Country will at all times be accessible from this State, and the Garrison can be more readily assisted, with the Necessary supplies of Provisions, ammunition, & should a peace be concluded it may be altogether unnecessary. This matter in a great

measure is left, to your own Judgement & goodsense.—we have to desire that you will restrain the Soldiery, from destroying the women and Children, (should any of them fall into your hands) and that all prisoners taken by you be sent to this State. Should the Inhabitants of the Middle & Valley Settlements of the Cherokee Indians, abandon their Towns, and join the Over hill Indians, in that case we think it quite proper if it can be done, for you to give Assistance to Col^o Christian who now commands the Virginia Forces, together with a detachment from your Brigade. This Matter we must also altogether submit to your Judgement, & discretion. We fear should all the Indians unite and make a Stand in the over Hill Towns, they will prove an over match for the Army there & should that be the case, which you on the spot will of course be the better judge of: assist Col^o Christian if in your power.

We should be glad to hear often from you, and should any Eventful Matter happen, after Mr. Avery leaves you, please to send an Express, as this whole State, through us, will have the Information concerning Indian Affairs, which they so Ardently wish for.

We have little Northern News, Genl. Washington & Genl. Howe seem to be watching each others Motions, & we expect daily to hear, of a battle—from Europe we learn that the Kingdoms of France & Spain have opened their ports to us, and that two large fleets, are already fitted out at the ports of Toulon & Brest in France: which circumstance very much alarms the British Court, and orders have Issued to prevent the further Embarkation of Troops for America. The Northern Ships of war, have had very great success, many West India Ships laden with Sugar Rum Coffee &c homeward bound: have been lately taken, some of them very valuable prizes.

We are wishing you all imanimable Success, Sir,

Your Mo. obed Servts

By order of the Council of Safety

To Brigadier General Rutherford

[FROM THE REMEMBRANCER (PART 1ST PAGE 355.) OF PUBLIC EVENTS
1776.]

A Morning Return of the forces now under command of Col. Howe.

Virginia 2nd regiment, 350. Virginia minute-battalion, 165. A detachment of the 1st Virginia regiment, 172. North Carolina 2^d. regiment, 438. North Carolina volunteers, 150. Total strength of companies, 1275.

Extract of a Letter from Col. Scott to Capt. Southall, dated Norfolk, Dec. 17.

DEAR SIR,

I have just time to inform you that we have at last got possession of the most horrid place I ever beheld; I mean Norfolk. Almost all the inhabitants fled on board the ships. Flags are continually passing, asking water, provisions, or to exchange prisoners. Duty is harder than ever I saw before, our guards have not been relieved for forty-eight hours. The men of war fell down last evening about a mile, and left a brig with five thousand bushels of salt behind, which our guards took, and brought to the wharf. We have got on board the vessel Mr. Cary Michel.

Col. Howe and Col. Woodford have entered Norfolk with their forces. Lord Dunmore had abandoned the town, and several of the tories had fled on board their vessels, with all their effects; others of them are applying for forgiveness to their injured countrymen.

Journals of Congress. P. 476. September 16, 1776.

It being represented by the delegates of North Carolina, that, from late accounts, it appears, that the situation of affairs in that State is such, as to render it dangerous, if not impracticable, to execute the resolution of Congress of the 3rd instant, ordering two of the North Carolina battalions, under the command of brigadier-general Moore, to march to reinforce the army at New York;

Whereupon, Resolved, That it be left to the discretion of the council of safety of North Carolina, to execute or suspend that resolution, according as they shall think it most conducive to the public service, and the safety of their particular State.

 COUNCIL OF SAFETY TO CHRISTOPHER O'NEAL.

[From MS. Records in Office of Secretary of State]

Halifax 28th Sept 1776

SIR,

We have to desire that you will with all expedition proceed to Cape Lookout Bay and make a full and compleat survey thereof, in the most secret manner, with the bearings and distances depth of water, height of the Hills and particularly of the distance between the extreme part of the point of the Bay to the Land Banks and transmit the same when compleat to this Board

To Christopher O'Neal, Esq.

LETTER TO JOHN RUTLEDGE ESQR. FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State]

Halifax 28th Sept 1776

SIR,

Your Excellency's favour of the 23rd of August last came safe to hand and we are made extremely happy to learn from it of Major Williamson's success against the Lower Cherokee Indians on which we congratulate you.

The information which you have received with respect to the Number of Men under the command of Brigadier Genl. Rutherford from this State is altogether without foundation as that Gentleman marched with about 3.000 Men well armed and provided with every necessary through the Main pass of the Mountains on the first day of this Instant and we have since learnt that he reached Swanano the next day without the least interruption from the Savages and we have no reason to doubt but that Genl. Rutherford entered the Middle Settlements of the Cherokees on the Ninth, the day agreed upon between our Genl. and Major Williamson as the distance from the entrance in the Mountains to the Settlements is only Eighty Miles. You have inclosed a Copy of Genl. Rutherford's letter to this board to which we refer you for every particular.

Colonel Christian who commands the Virginia Troops about 1450, and 600 Men from this State, will attack with all possible expedition the over Hill Towns and should the Indians abandon

the Middle & Valley Settlements & go over the Mountains Genl. Rutherford is ordered to pursue them with a large detachment from the Army under his Command.

We are with great respect

Your Excellency's most h^{ble} Servts

By order of the Committee of Safety.

JOHN COOPER FROM COUNCIL OF SAFETY.

[From MS. Records in Office of Secretary of State.]

Halifax 28th Sept. 1776

SIR,

Your Letter with respect to a large Cannon we received and have a desire that you will hire a sufficient craft and send it from Bath Town round to Edenton as it will be very shortly wanted for the Gallies now building for the protection of the Trade of this State. The price will be fixed and the full Sum paid after the Cannon is Viewed and valued by indifferent persons well skilled in a matter of this sort.

We are Sir, Your h^{ble} Servts

By order of the Council of State

P. S. You must send the Cannon to the care of Dr. Saml. Dickenson in Edenton.

To Mr John Cooper.

LETTER TO GOV. VIRG. FROM COUNCIL OF SAFETY OF N. C.

[From MS. Records in Office of Secretary of State.]

Halifax 30th Sept. 1776

SIR,

Inclosed you will receive Copies of two Letters, one from Genl Rutherford who commands the Troops of this State gone against the Lower Indians of the Cherokee Valley & Middle Settlements, the other from Major Williamson who is at the head of the Forces in the Service of the State of S^c. Carolina to which we refer you. Genl. Rutherford reached Swanino twelve miles in the Mountains with his whole Army on the 2nd day of this Instant being then distant from the nearest Cherokee Towns in the Middle Settlements about Sixty Eight Miles and we are under no doubt but that our

General would be there by the 9th the day appointed by him and Major Williamson to make the attack and should the Indians fly before our Troops and join the Over Hill Cherokees we have ordered Genl. Rutherford to send a sufficient detachment from the Army under his command (if practible) through the Mountains to join Col^o. Christian who commands the Troops of your State and a detachment from this commanded by Lieut. Colo. Williams you will observe that Genl. Rutherford in the postscript of his Letter mentions pach Horse Men it is proper to let you know that all those Men are well Armed and the whole of Genl. Rutherfords Army amount to about 3.000 Men we expect daily to hear from the Genl. when that happens you will hear from us and should be glad to have Every intelligence which you may receive from Col^o. Christain.

We are with great respect

Your Excellency's Mo. obed h^{mb}l Servts.

By order of the Council of Safety.

COUNCIL OF SAFETY TO JOSHUA HAMPSTEAD.

[From MS. Records in Office of Secretary of State.]

Halifax 1st Oct. 1776

SIR,

Inclosed you'l receive a Resolve of the Council of Safety directing you immediately to proceed to Sea with the Armed Vessels under your Command. It may be necessary to inform you that the Jamaica Fleet will sail for Europe about the Middle of this Month under the convoy of a twenty Gun Ship only from the best intelligence we can obtain; it will be therefore highly necessary that you should be as Expeditions as possible as every success depends upon it.—what ever you may want the Commissioners at New Bern will very readily supply you with. Two British Frigates are cruising against the American Vessels near Bermuda.

I am &c

To Joshua Hampstead Esq

North Carolina—In Council of Safety October 25th 1776.

Whereas this Council are well informed that certain Officers in the service of the State of South Carolina have enlisted sundry

Regulars of this State out of the North Carolina troops now in Georgia.

Resolved that this Board do utterly disapprove of such measure, that it is unjustifiable and has an obvious tendency to obstruct the Regular service, and to endanger the common defence of North and South Carolina, and therefore that Gen. Howe be and he is hereby directed to reclaim the soldiers as above mentioned enlisted by the South Carolina officers, and he is also further directed to remove the whole of the North Carolina troops now in Georgia immediately to this State.

A copy from the Journal.

by order

J. GLASGOW.

State of North Carolina,

At a Court held at Kingston 1st Dec. 1776

President

The Honorable Joseph Leach,

Robert Bignall

John Simpson

William Bryan.

} Esqrs Members.

The Governor informed the Board that heretofore a considerable number of the soldiers who were sent to the aid of South Carolina against the common enemy, had been by the Continental officers suffered to leave their respective regiments and enlist in the States of South Carolina and Georgia, whereby this State has been much damaged not only in the bounty advanced to such soldiers, but also in making up her quota of men in the Continental service.

The Board taking the same into consideration.

Resolved that the Governor be advised to direct the commanding officer of the troops, now marching from this State to the aid of South Carolina and Georgia, not to suffer any militia soldier, under his command, to enlist whilst on the present expedition, in any Continental Battalion not in this State, nor in such as were raised here, so as to leave the militia service until the present expedition is over, without the express leave of the legislative or executive power of this State.

Resolved that the Governor be advised to direct the commanding officer now going to the aid of South Carolina and Georgia to continue his militia in the service of said States, agreeable to a Resolve of Congress, from five months from the tenth day of November last, the time they were directed to assemble unless they shall be sooner discharged by the officer commanding in the department. And that it be understood the said militia shall be continued in actual service unless discharged as aforesaid, until the tenth day of April next when they shall be allowed to return, and obtain pay for a reasonable time, to march to their respective homes.

A true Copy.

JOHN LOWRY Dep't Sec'y.

WM. LORD APPOINTED PAYMASTER.

[From Executive Eetter Book.]

In Congress 11th December 1776

North Carolina—

These may certify that Mr. William Lord was appointed Regimental Paymaster to the first Regiment of Continental Troops raised in this State.

By order

RD. CASWELL
President.

Jas. Green, Jr
Sec'r'y

Jun Serj.

D. BARROW TO GOV. AND COUNCIL.

To his Excellency Gov. Caswell and the Hon. privy Council in the State of North Carolina

MAY IT PLEASE YOUR EXCELLENCY & HONORS.

The owners of the Brigantine called the Buckskin intend sending her on a voyage to old France in the course of five or six weeks, with a valuable Cargo, and wishing to render every service in their power to the State of North Carolina submit the following proposals to your Excellency and Honors. Upon the arrival of the Brigantine to any Port in France, where the Cargo can be disposed of to advantage, the owners will order seven Thousand five Hundred Dollars, of the nett proceeds of her Cargo to be laid

out to the best advantage, in such articles as your Excellency & Honors think proper to direct, on account of this state—which shall be delivered at New Bern at the small advance of Two hundred per Cent. from the prime cost in France—upon condition that your Excellency & Honors will ensure fifteen thousand Dollars, on said Brigantine & Cargo, all risk from the Harbor of New Bern to at and from France until she returns into the Harbor of New Bern again, at 25 per Cent.

I am Gentlemen in behalf of Self & Partners—

D. BARROW.

LETTER FROM J. RUTLEDGE TO GOV. CASWELL.

[From Executive Letter Book.]

SIR:

In consequence of a recommendation from the Privy Council, the honorable Mr. Drayton, a member of that board, waits on the Convention of North Carolina to solicit aid of men from that state for the defence of this. I doubt not that proper attention will be paid to his application, and hope it will meet with success.

I am, sir,

Y^y very h[']ble serv[']t,

J. RUTLEDGE.

Chas. Town, Nov. 6th, 1776.

The Hon^{ble}, The President of the Convention of No. Carolina.

1777.

GOV. CASWELL FROM JAS. JAMIESON & CO.

[From Executive Letter Book.]

CHARLES TOWN, 6th Jan'y, 1777.

SIR,

We take the liberty of advising your Excellency of our P. C. Poole's return here a few days ago, and that in consequence of the honor conferred on him by your state, in appointing him their agent, in Amsterdam, we think it our duty to acquaint you of the prices of such goods here as he informs us were much wanted with you at the time he left North Carolina, of which you have an account by post. Should your State still be in want of these articles and you find the prices here are such as may induce you

to order any of them, to be sent from hence, we would recommend your dispatching vessels immediately to this with Flour, Ship-bread Tobacco, and salted Pork which will answer here, also Iron if to be procured with you, of all which you have the present prices by post.

Salt is plenty with us at this time—large quantities having arrived of late, but the prices have fluctuated much—this has been the case with goods in general for some months past—so that it is impossible to say how long they may continue at the present rates. Our supplies have been large, and while the coast continues clear of the Ships of war, we doubt not but our Trade will be equally extensive. As the currency of other States will not circulate in this, we think it proper to acquaint your Excellency that, in the event of your ordering goods from here provided you cannot meet with a sufficient quantity of tonnage to ship in exchange in such case, we would propose that your State remit us in Continental Currency or appoint us a credit on the Continental Treasury for the balance, we may ship, more than the amount of what we may have received.

We are hopeful that your State may have purchased some vessels in New England for the purpose of exporting your Tobacco to Surinam in consequence of the plan mentioned to them by Mr. Le Poole, and which he informed us they have approved of, in order that he may the sooner have it in his power to make them returns from Amsterdam.

We shall from time to time advise your Excellency of such matters as we shall think conducive to the interest of your State, and when Mr. Le Poole will leave this in order to proceed for Holland, in the mean time we beg leave to acquaint your Excellency that, unless the post is established on a better footing in future, than it is at present, it will be impossible for us to maintain that regular intercourse with your State that is necessary, as the post which set off from North Carolina, previous to Mr. Le Poole's departure from thence is not yet arrived—there being three mails now due. This is a circumstance we have also taken the liberty of mentioning to his Excellency the Governor of Virginia.

It will afford us pleasure to render the State of North Carolina every service in our power here. In the mean time, we assure your Excellency that, we are with the utmost respect your mo. ob. humb'l serv't

JAS. JAMIESON & CO.

P. S. Should any french vessels, arrive in your State, the Captains of which may not be inclined to receive the whole amount of their Cargoes in Tobacco, in such case you may engage to fill them from hence, with Rice, loading such a quantity of Tobacco, in such vessels for this as will enable us to purchase the Rice you may order.

His Excellency the President of North Carolina.

FROM THE CONTINENTAL CONGRESS.

[From Executive Letter Book.]

BALTIMORE, Jan'y. 9th 1777.

GENTLEMEN:

The enclosed resolves I am commanded by Congress to transmit to you, and to request your attention to them. From their great importance to the Army, they will naturally claim your best endeavors to carry them into execution, without any particular recommendation, or comment. I have only time to add, that I have the honor to be

Your most obed and very h'ble servt

JOHN HANCOCK, Presid^t.

HON'BLE CONVENTION OF THE STATE OF NORTH CAROLINA.

The necessity of filling up the Army with the utmost expedition has induced Congress to direct me to request that you will as soon as possible inform them what success the recruiting service has met with in your state towards raising the Troops required by a Resolve of the 10th of September, formally transmitted to you. I am therefore most earnestly to entreat your compliance with this Resolve as speedily as possible. I have the honour to be

Your most obed. serv't.,

JOHN HANCOCK, Pres't.

(The Resolves above alluded to recommended the appointment of Com^{'rs}. to purchase pork and beef.)

LETTER FROM ROBT. HOWE TO GOV. CASWELL.

[From Executive Letter Book.]

CHARLESTOWN, 15 January, 1777.

DEAR SIR,

I have just heard of your being appointed President of the State

of North Carolina, in which situation I wish you happy, and upon which I congratulate you. I received from the Council of Safety by the hands of Colonel Sumner, a Resolution directing me to demand of the State of S. Carolina, the men which by order of General Lee were translated from the N. Carolina Continental Battalions to those of S. Carolina and Georgia. This Resolve bore date the 25th October 1776, but never got to my hands till this fourth of January, 1777. I immediately waited on the President, and laid the Resolution before him. He has promised to call a Council upon the occasion, and seems to think that this State will not be against returning the men, provided it can be done with propriety; but that many difficulties were to be got over before it could be affected, the extraordinary bounty given by the State, over and above the Continental, no less than six pounds, five shillings proclaim^d money per man, with other expenses entirely local, the discharge of the men from the N. Carolina Battalions by order of General Lee before or since their enlistment into the S. Carolina Corps, so that if discharged from the service of this State, it will be optional in them whether they will enter into the service again or not, with many other objections which I have not time to repeat, and which it would be really difficult to get over. I persuade myself however, that your State will rather let the men remain where they are, than repay to this State the extraordinary bounty mentioned above, without which, and the payment of the other local expenses, you need not expect a return of the soldiers. I shall however transmit you their determinations as soon as I have them. Col. Sumner surprised me by telling me that he heard many members of the Council of Safety and Convention say that they had not heard from me upon this subject, and were concerned at it: as soon as ever I received the order I wrote to the Council and Convention, and enclosed a copy of it. I now send you a copy of my letter, to which I long since expected an answer, but not having been favored with one, I concluded that nothing further was to be done in this matter. I have addressed this letter to you, and as I know not what Board are established with whom I ought to correspond, I must take the liberty to trouble you to lay it before them if necessary.

I am D^r Sir, with great respect and esteem,

Your Excellency's most obedient humble serv't,

ROBERT HOWE.

P. S. I shall transmit you the names of the men enlisted, and to what officers the bounty money was returned when they were enlisted.

His Excellency Richard Caswell.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

ESTIMATE, Jan'y 18th, 1777.

Estimate of the Allowance to the members of the Council of State for their attendance at a Board held at New Bern 11th Jan'y, 1777.

| MEMBERS' NAMES. | Days Travelling. | Days Attendance. | Total. | Ferriages. | Total. |
|--|---------------------|---------------------|--------|------------|------------|
| Cornelius Harnett, Esqr., Presdt.,..... | 8 | 9 | 17 | 10.8 | £ 17. 10.8 |
| William Haywood, Esqr.,..... | 6 | 1 | 7 | 4.1 | 7. 4.1 |
| Edward Starkey, Esqr.,..... | 6 | 9 | 15 | | 15. |
| Joseph Luck, Esqr.,..... | | 9 | 9 | | 9. |
| James Glasgow, Secretary,..... | 4 | 9 | 13 | | 19.10 |

Read and concurred with in Council the 10th Jan., 1777.

By order

CORN'L. HARNETT, President.

J. GLASGOW, Sec. of State.

OATH OF ALLEGIANCE SIGNED BY MEMBERS OF COUNCIL
OF STATE JANU. 1777.

[From MS. Records in Office of Secretary of State]

I, A. B., do sincerely promise and swear that I will be faithful and bear true Allegiance to the State of North Carolina, and to the powers and authorities which may be established for the Government thereof not inconsistent with the Constitution, and that I will to the utmost of my power maintain and defend the same against all attempts whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have

any jurisdiction, power, superiority, preeminence or authority, civil or ecclesiastical within the same, and I do solemnly and sincerely declare that I do believe in my conscience that neither George the Third king of Great Britain nor the Parliament thereof jointly with the said king, or separately, have any right or Title to the Dominion or Sovereignty over this State or to any part of the Government thereof and I do renounce, refuse and abjure any allegiance or obedience to them or either of them or to any person or persons put in Authority by or under him or them, and I do swear that I will to the utmost of my power defend the said State against all Traiterous Conspiracies and attempts whatsoever that shall be made against the same and I will do my utmost endeavour to disclose and make known to the Legislature or Executive powers of the said State, all treasons and traiterous Conspiracies, which I shall know to be carried on or intended against the said State, and I do faithfully promise to the utmost of my power to support, maintain and defend the Independence of this State against him the said George and all other persons whatsoever, and all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken and according to the plain and common sense and understanding of the same words without any Equivocation, Mental Evasion or secret Reservation whatsoever. And I do make this acknowledgement, abjuration and renunciation and promise, heartily, willingly and truly, upon the true faith of a Christian. So help me God.

New Bern 16th, January 1777.

Kinston 5th, August 1777

W. HAYWOOD,

EDW^d. STARKEY,

New Bern

19 Dem^r. 1777.

THOS. CRAIKE,

1777, 5 Febr'y.

CHAS. FORBES.

R. CASWELL.

CORN'L HARNETT.

JOSEPH LEECH.

EDWARD STARKEY.

J. GLASGOW.

J. G. BLUNT.

MARTIN FERRY.

W. HAYWOOD.

THOS. EATON.

JAMES COOR.

New Berne the 11th day of June 1777.

R. CASWELL.
WILL^m. GRAY.
JOSEPH LEECH.
THOS. BONNER.
WILLIAM TAYLOR.
J. GLASGOW.

September 2^d, 1777.

THOS. EATON.

April 6th, 1784.

ABRAHAM WATHAN.
MANN PHILLIPS.

GOV. CASWELL FROM ARCH. BULLOCK.

[From Executive Letter Book.]

SAVANNAH 13th Jan'y 1777.

SIR,

I recd. your favor of the 30th November last respecting the Sloop Polly, whereof Alexander McAuslen was late master. The Sloop was libelled in the Court of Admiralty, and has been condemned, not from any suggestions of the Owners, being inimical to the American Cause but from its appearing the Master was carrying on that commercial intercourse with our Enemies—which is repugnant to the Resolves of the Continental Congress as well as our Convention.

Every attention will always be paid here to the property of any of the friends of the United States and you may depend, that every thing has been done in this affair, as far as is consistent with those regulations, that have been adopted for the Government of the Continental. I am with respect Sir, your mo. ob.

humbl. Serv't

ARCH. BULLOCK.

GOV. CASWEL FROM SAML. JOHNSTON.

[From Executive Letter Book.]

HAYES 16th January 1777.

DEAR SIR,

I have had the pleasure of receiving yours from New Bern, enclosing the ordinance for supplying the Treasury with Cash. You will easily guess, that I have it not in my power either to sell Bills on the Continental Treasury, or borrow money, and there is nothing comes in on the sinking fund, so that the Treasury will very soon stop payment, unless you should think proper to exercise the power given you, of giving orders to procure money from the Treasury of the United States.

The King Tawney is here returned from an unsuccessful Cruise and is ordered up to Edenton to receive some small repairs, some think it might be proper to load her and send her out for salt, the Commissioners would be glad to receive your commands in regard to her.

Mr. Robt. Hardy at Edenton has produced a quantity of shoes, some where about 300 pairs for the army and is ready to deliver them to any proper order.

I am very sorry to hear that business is like to be so much retarded by the absence of the Council. I have not seen the acts for appointing them, but suppose they lodged a power for filling up vacancies some where. I have this moment received the agreeable news that Genl. Washington has surprised the Enemy at Trenton and taken upwards of nine hundred prisoners with all their Baggage and Artillery. They were mostly Germans but 'tis needless to be particular, as you will certainly have advice of this important stroke by express before this reaches you. This great success will have a most happy effect, as it will not only give the Troops the highest confidence in the great abilities of their General but will show them that the Europeans are not invincible. It will likewise damp the spirits of the Tories, who began to plume themselves on the success of the Enemy. If we have but Virtue and perseverance we may still be free—it will be of the greatest importance that our Troops should be ready for an early Campaign. I am still inclined to think that the success of the next will depend

greatly on the spirited exertions of the States South of New York. I am very sorry to hear of poor Bright's death, his family is fortunate in having you for their friend. I am very happy to hear of your return of health—and am with the greatest respect and esteem

Dr. Sir, your mo. ob. humbl Serv't

SAML. JOHNSTON.

GOV. CASWELL FROM JAS. MOORE.

[From Executive Letter Book.]

CHARLESTOWN Jan'y 22nd 1777

SIR,

A part of the North Carolina Brigade arrived here the 14th Inst. and is now encamped at Hadrell's point, about five miles from this Town, where for want of Barracks the men are much exposed, in consequence of which many of them are sick, and rendered unfit for duty, with colds and perepneumonies. What still increases their hardships is the want of Blankets, one-half of them not having blankets to cover them. I should therefore imagine it would greatly benefit the service, if the men were provided with that article, there now being now an opportunity for that purpose. A sufficient number may be purchased in this Town. Should this opportunity be omitted, perhaps another may not offer again. I would therefore earnestly recommend to you and the Council of the State, to direct the Treasurer of the Southern District of your State, to advance fifteen hundred dollars, to be lodged in the hands of some person here, and applied to the purpose above mentioned

I am, Sir with respect your humb'l Servt.

JA. MOORE

P. S. Capt. Jones, who commanded a Troop of Horse resigned the 25th of Oct. last, since which time Mr. Medici has acted as Capt. I would therefore recommend that a Commission should be made out for him.

J. M.

Gov. CASWELL

GOV. CASWELL FROM THOS. BURKE.

[From Executive Letter Book.]

HANOVER COURT HOUSE, Jany 27th 1777.

SIR,

The agreeable intelligence that General Washington has gained several advantages over the Enemy will doubtless reach you long before you will receive this. The amount of what I have learned is that thirteen thousand of the Enemy under Cornwallis marched from Princeton to Trenton with design to force a passage over the Delaware at Trenton they were opposed by Washington, and the advance parties of both Armies were all day engaged, they each retired under cover of the night, and Washington practiced the same expedient to deceive the Enemy, which you Sir, did at Moores Creek Bridge, and while his fires were burning he decamped, passed the Enemy, and surprised three Battalions of Hessians which were in the rear—those he entirely routed taking a great many of them, and all their field Pieces and baggage—he then marched directly to Princeton, and after an obstinate engagement, defeated a strong party of the Enemy who was posted there. Our killed are said not to exceed forty, and I know not the number of wounded. Several Gallant officers fell, and Gen'l Mercer was desperately wounded. The design of this letter is to give you notice that a certain Martin Ferres, and—Stanly who say they are Citizens of your state, are now on their way thither. Ferres came out of England with the Fleet, and was their Pilot into York, he has been a considerable time amongst the Enemy—and may probably be worth examining—he was last night a good deal intoxicated and therefore I suppose communicative, he hinted that he was some times consulted by Lord Howe, on the practibility of some Expeditions, which were laid aside by reason of the advanced season—he also dropped some pretty clear hints that a communication is carried on between most of the States and New York—that Gold and Silver are sent thither to purchase Continental money, which is there at 20 pound per hundred. Several thousands he says were lately purchased by some Citizens of your State. I endeavored to find out the names, but he refused to tell them, and I did not think proper to use any Coersive means, lest the Gentlemen of this

State should deem me presuming on their authority. I resolved however to write to your Excellency on the matter, not doubting that your diligence, Sagacity and prudence will be successfully exerted to discover the agents and to suppress this pernicious traffic whereby a Sluice is opened to drain us of all that Specie, which might procure us warlike necessaries, and which is directed to the advantage of our Enemies, and which also serves to depreciate our money—'twere needless Sir, to say more to you on this matter. I thought it my duty to give you this instruction, and I know you will admit it as an excuse for troubling you with this letter. I beg leave to offer my sincere wishes for the happiness and prosperity of the State over which you preside, and that your administration may be happy and glorious to you—let me also add my warmest wishes for your health and private felicity—I have the honor to be with due respect and unfeigned esteem

your Excellency's mo. ob. humble Servant

THOS. BURKE.

LETTER FROM THOS. HART TO GOV. CASWELL.

[From Executive Letter Book.]

HARTFORD Jany. 28th 1777.

To Gov. CASWELL,

MAY IT PLEASE YOUR EXCELLENCY, SIR,

The Congress of this State having favoured me with the appointment of Commissary for the 6th Regiment, and finding (after trial made) that it will be very inconvenient for me to provide longer for the said Regim't, hope you will be good enough to receive my resignation in favor of Mr. Peter Mallett on his giving such security as your Excellency shall think proper for the performing of the said service &c.

I am, D^r Sir, Your Excellency's obe'd, serv't,

THOS. HART.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

A copy.

In Committee of Salisbury.

Jan'y 28. 1777.

These are to certify that Duncan Nicol, Hugh Fraser, Alex Chisholm, Angs. Cameron, Lach. MacDonald, Hector M^cQuarrie, Walter Cunningham, Duncan MacDougall, Alen. M^cDonald, David Donaldson, Jas. Fraser, Niel MacNicol—prisoners of war from the neighboring State of South Carolina have been on Parole in this town and within ten miles Y. of for upwards of ten weeks—during which time they have behaved themselves agreeable to their Parole, and that they are now removed to Halifax by order of the commanding officer of the District, in order to be forwarded to the northward agreeable to order of Congress

(Signed)

DUNCAN M^cNICOL, Capt.

HUGH FRASER, Lieut. R. H. E.

| | | |
|--------------------------------------|---|-----------|
| ALEX M ^c DONALD, | } | Privates. |
| JAMES FRASER, | | |
| DAVID DONALDSON, | | |
| NIEL M ^{ac} NICOL, | | |
| ALEX CHISHOLM, | | |
| ANGUS CAMERON, | | |
| LACH M ^{ac} DONALD, | | |
| HECTOR M ^c QUARRIE. | | |
| WALTER CUNNINGHAM, | | |
| DUN. M ^c DOUGALL, Ensign. | | |

N. B. The Parole of the prisoners of war above ment^d was sent to the Congress at Halifax, at their last sitting. They are now sent under the direction of Capt. Martin Fifer—Certified by orders of Committee at Salisbury this 28 Jan'y, 1777.

(Signed)

MAX CHAMBERS, Chr. Com.

LETTER FROM R. HOWE TO GOV. CASWELL.

[From Executive Letter Book.]

Charleston 31st Jan'y. 1777.

DEAR SIR :

Upon the resignation of Mr. Jones of the Light Horse I appointed Mr. Medici to the rank of Captain till the pleasure of the Conven-

tion of your State was known. I think it but justice to him to add that he has shown himself thro' the whole of his conduct here in such a manner as to merit my approbation and to obtain the respect of the officers whenever he has served. I therefore hope he will have his appointment confirmed, and take the liberty to solicit your interest in his behalf, and am, Dear Sir,

Your Excellency's Most ob. hum. serv't,

R. HOWE.

His Excellency Richard Caswell Esq. President of the State of North Carolina.

DEAR SIR:

Capt. Medici having informed me, since I sealed my letter, that some malicious persons had endeavored to asperse him in North Carolina, please give him a copy of my letter to you if he desires it.

I am, Sir, your Excellency's most ob. serv't,

R. HOWE.

31st Jan. 1777.

JOHN HANCOCK TO THE CONVENTION OF THE STATE OF N. C.

[From Executive Letter Book.]

(Circular.)

BALTIMORE Jan'y 31st 1777.

GENTLEMEN:

As there is not a more distinguished event in the history of America, than the Declaration of her Independence,—nor any, that in all probability, will so much excite the attention of future ages, it is highly proper, that the memory of that transaction together with the causes that gave rise to it should be preserved in the most careful manner that can be devised.

I am therefore commanded by Congress to transmit you the enclosed copy of the Act of Independence, with the list of the several Members of Congress subscribed thereto;—and to request that you will cause the same to be put upon Record, that it may henceforth form a part of the Archives of your State, and remain a lasting testimony of your approbation of that necessary and important measure.

I have the honour to be, gentlemen,

Your most obe'd. and very h'ble. serv't.,

JOHN HANCOCK, Presid't.

Hon'ble Convention of the State of North Carolina.

 GOV. CASWELL FROM GRIFFITH RUTHERFORD.

[From Executive Letter Book.]

February 1st 1777.

SIR,

These are to acquaint you of the unhappy situation of the Frontiers of this State. You will receive by the bearer, Robert Lynn, a letter I received by Express, from Col. Carter of Washington District, giving an account of a family killed on Holston River, within two miles of the Long Island. I have received the deposition of Robert Drew a trader who on his oath, says the Indians are determined for war. He says the Cherokees have received a letter from Cameron that the Creeks, Chickasaws and Choctaws are to join against Georgia, South Carolina, North Carolina and Virginia. Also that Capt. Stuart is gone up the Mississippi five weeks before the time that Drews got that account, from the Indians, with goods and ammunition, to the northward nation, to cause them to fall on these parts. The people to the Frontiers is applying to me for aid to guard the frontiers. I know not that I am authorized to do anything of that kind, without your Excellency's approbation; be so kind to give me full instructions by the bearer. The Tories doubtless is embodying themselves in Surry County, yesterday I recd. a letter from Col. Armstrong, of that County, that they had taken two Guns from his men in his neighborhood, Sir you'll please to give some instructions concerning them. Ammunition is very scarce in these parts. I hope you will order a supply. I am Sir, your Excellency's mo. humbl. serv't

GRIFFITH RUTHERFORD.

 LETTER FROM FRANCIS BRICE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON February 3rd, 1777.

SIR:

When I was at Congress at Halifax I settled some accounts of a very considerable amount against this State, for my friend Capt Forster and myself; there was a balance due him of two hundred and seventy-eight pounds, sixteen shillings, and one penny, and to me six hundred and seventy-four pounds, one shilling, and one

penny, Certificates for which sums I have since received from the Secretary of Congress, and have had them presented to John Ashe, Esq^r as Treasurer for this Department, soliciting drafts on the Continental Treasury, but Mr. Ashe declined drawing-as it was not specified in the Certificates that the money was for the use of the Army; this I take to be a frivolous excuse, (or rather no excuse at all) as it is well known what I am in advance for was for stores for the Army, and a considerable part in that necessary article, bread; what Mr. Forster advanced was for erecting Batteries &c. by order of Council,—Besides those sums Mr. Forster has a Certificate on the Treasury for one hundred pounds, drawn in favor of Sam^l Ashe Esq^r so long ago as December 1775, and says to be appropriated towards erecting Fortifications on Cape Fear, which draft was endorsed to Mr. Forster and he let it remain as he had other sums to receive from the public.

I flatter myself your Excellency will take these circumstances into consideration, and point out some way by which we may get our money as it is undoubtedly a great hardship on us to lay out of such considerable sums, when we have it so much in our power to turn money to advantage. Your Excellency will be pleased to excuse my giving you this trouble, as I know of no person I can apply to with such a certainty of assistance.

Your Excellency's most obe'd and obliged humble servant,
FRANCIS BRICE.

To His Excellency Richard Caswell.

LETTER FROM THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

BALTIMORE Feb'y 4th 1777.

SIR:

I wrote you on my way hither from Hanover Court House in Virginia, suggesting to you my apprehension relative to one Ferns, who appeared to me suspicious. I shall now, as near as I can recollect, recapitulate the matters which dropt from him, (when he had so far indulged in drinking as to be off his guard), lest the letter I wrote should have miscarried.

He was pilot to the fleet under Lord Howe, and brought them into Hudson River, was consulted by the Admiral concerning cer-

tain expeditions which he had in contemplation which Ferns declared to be unadvisable because of the late season. A communication was carried on between the Tories in every State and New York and a traffic of gold and silver for Continental money. Mr. Cornell aided the adventurers in this traffic. Two from North Ca^r had lately dealt to a considerable amount, and I fancy reside in or near New Bern.

I intend hereafter to trouble you with a letter every post, and shall give my sentiments of the different political principles which I shall perceive to actuate the several States, the measures intended to be pursued, the intelligence we receive and the important decisions in Congress. I find a considerable jealousy is entertained of the Northern States, I know not how justly, at present I must refer you to Mr. Hooper who is much better qualified to give you satisfaction on all these matters than I am. Our situation here is unsettled, uncomfortable, and incredibly expensive. These circumstances will I doubt not occasion another adjournment of Congress.

Mr. Hooper takes with him all the newspapers, and some copies of the King's speech; you will doubtless see them, and I need not suggest any reflections. They will readily occur to you, and you will foresee greater events than have yet distinguished our struggles. The calamities of mankind are not speedily to be intermitted, and war and fury will rage in several quarters of the globe. I hope, however, the contest will not be very injurious to America.

I have the honor to be, Sir, with due respect and sincere esteem,
Your very obe'd. serv't,

THOS. BURKE.

His Excellency Gov. Caswell.

LETTER FROM THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

Feb'y 5th—

This day it was resolved in Congress that Col. Nash should be appointed a Brigadier General, that he should proceed to the Western part of the State, and expedite as much as possible the recruiting service, and that the several Battalions of Continental Troops in North and South Carolina should join General Washington as soon as may be after the fifteenth of March. It was proposed to request your assistance in forwarding the recruiting business,

but we observed that you were already sensible of the necessity of such an exertion of your interest and influence, and being so well inclined to serve to your utmost power the cause of America, there is no need to remind you of it. I know, Sir, you will omit nothing in your power to assist so necessary service, and I hope through your efforts the North Carolina Battalions will come into the field as complete as those of any state.

The Congress have also resolved that five hundred thousand dollars be advanced to our State when your warrant shall be produced, agreeable to the ordinance, and when such warrant arrives, I shall use every diligence for expediting the remittance.

I am &c.,

THOS. BURKE.

LETTER FROM GOV. CASWELL TO GEN. JAS. MOORE.

[From Executive Letter Book.]

N. CAROLINA, NEW BERN 6th Feb. 1777.

DEAR SIR:

I have the honour to enclose herewith an extract from the Resolves of Congress together with a Resolve of the Council of State, and in pursuance of the latter I am to request that you will immediately order three complete Regiments (on the New Establishment) of the Troops under your command to march without delay and join General Washington.—As none of the Regiments are full, give me leave to recommend, as the opinion of the Council, as well as my own, that a sufficient number from the whole who are enlisted on the New Establishment be drawn to complete the three Regiments, and if the officers can not agree who shall go on that service they may be appointed by lot. But, this, sir, I hope you will not consider as a direction to you, but only as our opinion. If a better method can be fallen upon, you no doubt adopt it. And now sir give me leave to request the favour of you to permit my son (Capt. Caswell of the 5th Regiment) to go in this service, if it is his wish, and not inconsistent with the plan you shall think proper to adopt.

I congratulate you on the successes of the brave and worthy General Washington, the accounts of which in the public papers

are chiefly to be relied on. We have some other more favorable but wait their confirmation.

I am with great respect and esteem,

Dear Sir, Your most obe'd serv't,

R. CASWELL.

The Hon'ble- James Moore Esq. Brigadier General in the Continental Service.

S. Carolina.

GOV. CASWELL FROM JAS. MOORE.

[From Executive Letter Book.]

CHARLESTOWN Feby 8th 1777

SIR,

Col^l. Lillington of the 6th Regular Regiment of North Carolina, having resigned his Commission on the 31st day of December last; and Lieut Col^l. Taylor on the 2nd Inst. I have thought it necessary to inform you, that Major Lamb and Capt. Little of the same Battalion are the next in Seniority, and that as they are at present out of the State of North Carolina, and may be ordered to do duty with the Troops of this State, they will rank only by the Commissions they now have; for which reason I would be glad their Commissions may be filled up- as soon as possible & sent to them.

I am Sir, your humbl. Serv't

J.A. MOORE

LETTER FROM THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

BALTIMORE Feb'y. 10th. 1777.

SIR: my last to you was by Mr. Hooper, and I suppose you have received it long before this. I then announced my intention of troubling you every post, and I now sit down in order to perform, in some part, my promise.

Of the political principle of the respective States I am not yet able to speak very clearly, for they are kept as much as possible out of view. I conjecture, however, that all are under some apprehensions of combination in the Eastern States to derive to themselves every possible advantage from the present war, at the

expense of the rest. I am not yet satisfied that there is any combination amongst them. I rather think that they only combine when they have one common interest, which is seldom the case, and I am sure this is not peculiar to them. On some late questions I observed they divided; one was relative to the interest to be paid on loans, another relative to the meeting of several States. In the sequel of this letter I mean to give you an abstract of the debates on these questions, and therefore shall say no more of them here. But, sir, I am more concerned to find that Pennsylvania, Maryland, Jersey and some others are exceedingly jealous of the states whose bounds to the westward are yet unascertained, and I am much mistaken if they do not upon all occasions endeavour to fix very extensive power in a mere majority of Congress in order to get resolutions unfavorable to the claims of such states entered into. To be more explicit, I believe they will endeavour by degrees to make the authority of Congress very extensive, and when it shall be fully established and acknowledged, to make such a party in it as will pass resolves injurious to the rights of those states who claim to the South Seas. You will see by some matters in the abstract of debate which I shall subjoin that this conjecture is not quite void of foundation. I am clearly of opinion at all events that those states who, like ours, have such claims should be explicit in declaring they will give no power to their Delegates to bind them in any thing that regards their Bounds. I am not yet able to be particular with respect to the measures intended to be pursued. We are endeavouring to forward, by every expedient, the recruiting service, and also the putting our Frigates to sea. Our greatest difficulty is in supplying the Treasury. This requires the nicest management. If we go on emitting money the quantity in circulation so enhances the prices of things that we shall only make money without being able to get for it more commodities, and it will, of course, destroy its own purpose. The Loan Office is at length considered as little better than new emissions, and a Tax seems the only adequate expedient. There is a plan under consideration for this purpose; when it shall be determined I will be more explicit. You will receive from the President a copy of some transactions in the New England Governments together with the Resolutions of Congress relative thereto. You will perceive that the intention of sending them

to the different states is to suggest to them to fall on methods something similar if they see it proper and necessary. Tho' no States are more in need of such regulations than where the armies march through, yet they opposed it, under the pretence that regulating prices would be impracticable; but a majority of Congress were of opinion that it might be rendered so far effectual as to prevent engrossers & forestallers, and speculators, who purchased in hopes of a rising price, and thereby rendered necessary articles very scarce and difficult to be obtained. For my thoughts on the subject, I will refer you to the abstract of debates, that is so far as regards our own State. I indeed have no great opinion of an attempt to regulate prices in a country where the holders are under no necessity of selling; but knowing our own State was not much interested in this business I voted for it, in order to damp the practice of speculative monopoly which prevails in all the Northern States. You will see in the abstract my reasons for not approving it in ours. I really feel myself much displeased at the disregard Virginia showed to our interest in the matter, and I believe, were I a member of your Assembly I should move that she might be desired to avow or disavow the conduct of her Delegates in Congress. But this I need not urge to you who are so good a judge of her interest, so jealous of ~~her~~ honour, and so careful to maintain her rights.

We have just received some very agreeable intelligence from the army, but I expect it will be in the paper before I can close this letter. If not I will procure abstracts and enclose them to you. There are some Tory disturbances on the Eastern shore of this State, and the Civil Power do not seem to proceed with sufficient vigour against them. There some Troops however sent against them, and I suppose my next will contain something final relative to them, I take abstracts of all the important debates in Congress, principally with a view of transmitting to you. I think it right that my country should know how I give her voice, and upon what principles I determine for her. If I am right her approbation will not only determine me, but others also, to proceed with firmness. If I am mistaken she, only, can correct me, and by correcting me inform others more fully of their duty. I doubt not the candor of my countrymen, they will believe I act for them to the best of my judgment, and when that judgment errs I am desirous it should be

better instructed by them, or if they find it defective, and unfit for their service, 'tis surely right they should have an opportunity of substituting a better in so important a trust. The intelligence above mentioned is in the paper; it is that under the Philadelphia head, February the 15th, but I am sorry to tell you it is contradicted by later accounts. We have received authentic intelligence from London that Chesapeake Bay is next campaign to be the seat of war, and the enemy mean to land first on the Eastern Shore. The Tories in Somerset and Worcester are broken, and the persons who chiefly excited them are taken prisoners. The Congress have resolved to adjourn on Tuesday from this town to Philadelphia, to sit there on the Tuesday following.

I have the honour to be yout Excellency's most obe'd. serv't.

THOS. BURKE.

His Excellency Gov. Caswell.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Estimate of the Allowance of the Members of the Council of State at a Board held at New Bern 12th Feby, 1777.

| MEMBERS' NAMES. | Days Travelling. | Days Attendance. | Days Total. | Ferriages. | Sum Total. |
|--------------------------------|------------------|------------------|-------------|------------|------------|
| Cornelius Harnett, Esqr.,..... | 8 | 10 | 18 | 10.8 | 18.10.8 |
| William Haywood,..... | 6 | 9 | 15 | 6.8 | 15. 6.8 |
| Edward Starkey,..... | 6 | 10 | 16 | 1.4 | 16. 1.4 |
| Joseph Leech,..... | | 10 | 10 | | 10. |
| Thomas Eaton,..... | 10 | 9 | 19 | 2.8 | 19. 2.8 |
| James Glasgow, Sec.,..... | 4 | 10 | 14 | | 28. |
| James Azents,..... | | 10 | | | 5. |

Read and Concurred with in the Council of State the 12th of February 1777.

By order

CORN'L. HARNETT, Presd't.

J. GLASGOW, Sec. of the State.

An Estimate of the allowance of the Members of the Council of State held at New Bern 6th March, 1777.

| | | | | | |
|--------------------------------|---|---|----|------|---------|
| Corn'l. Harnett, Esquire,..... | 8 | 6 | 14 | 10-8 | 14.10.8 |
| William Haywood,..... | 6 | 6 | 12 | 6-8 | 12. 6.8 |
| Edward Starkey,..... | 6 | 6 | 12 | 1-4 | 12. 1.4 |
| Joseph Leech,..... | | 6 | 6 | | 6. |
| James Glasgow, Sec.,..... | 4 | 4 | 8 | | 12. |

Read and concurred with in Council of State held 12th day of March 1777.

CORN'L. HARNETT, Presd't.

By Order

J. GLASGOW, Sec. of the State.

Estimate of the Allowance to the Members at a Board held 7th April 1777.

| MEMBERS' NAMES. | Days Travelling. | Attendance. | Total. | Ferriages. | Sum Total. |
|-------------------------------|------------------|-------------|--------|------------|------------|
| Cornelius Harnett, Esq.,..... | 8 | 19 | 27 | 10-8 | £ 27.10.8 |
| William Haywood,..... | 6 | 19 | 25 | 6-8 | 25. 6.8 |
| Edward Starkey,..... | 6 | 19 | 25 | 1-4 | 25. 1.4 |
| Joseph Leech,..... | | 19 | 19 | | 19. |
| James Glasgow, Sec.,..... | 4 | 19 | 23 | | 34.10. |

Read and concurred with the Council of State the 19th day of April 1777.

ABSTRACT OF DEBATES IN CONGRESS.

[From Executive Letter Book.]

Feb. 12th to, 19th 1777.

Several days of this week were consumed in debates on the appointment of General Officers. The debates were perplexed, inconclusive and irksome. The Delegates of several States were

desirous of fixing a rule of promotion, and several were offered and rejected. Maryland, Virginia, and North Carolina desired that each State should recommend officers in proportion to the men they furnish: three Battalions, one Brigadier, nine, one Major General. This was rejected. It was then proposed, to promote General Officers as they stood in rank, and rejected. To all the rules a saving was added, that the Congress might deviate from any, in favour of merit eminently distinguished and generally acknowledged. .

North Carolina argued that some rule should be observed, and entered on the Journals.—That the Congress would be an object of very jealous apprehension, unchecked and unlimited as it is, if the officers of the army held their honor at the precarious pleasure of a majority. Officers hold their honor the most dear of anything. Setting them aside when they were entitled to promotion would wound that honor very sorely. Their attention would therefore be entirely to that authority which had so much power to wound it, or to cherish it. This policy was always observed by monarchs, and the end was to keep the army dependent on them: but such policy was unbecoming in Congress, who ought to give no room for jealousy. The rule of succession is most familiar to officers, and therefore most agreeable to them: but the proportion would give greatest satisfaction to the States, and the satisfying them was of greatest importance and ought to be adopted.

At length it was proposed to resolve, that regard be had to the rank, to the quota, and to merit. It was agreed to, but no notice was taken of it in the nomination or appointments. N. Carolina did not vote for Major Generals; because the delegate found, no rule was observed, and he knew nothing of the merit of any officers in nomination, and did not choose to give a vote in Congress, for which he could give no reason.

Feb'y. 20th. A Committee on a letter from General Howe to, General Washington reported, that five Hessian Field Officers, and a Col. Campbell should be confined in order for retaliation, and that they should have copies of the resolutions and letters relative to this matter, in order to manifest the reluctance of Congress to this severity; which became necessary, being the only means whereby they could teach their enemies to regard the Law of Nations and the rights of humanity. Some severe epithets

were prefixed to enemies in the report, and they were objected to as unbecoming the dignity of Congress. A debate ensued in which some Gentlemen pointed out the impropriety of a bold figurative style in public Instruments, and the beauty and propriety of simplicity. R. H. Lee, of Virginia (as usual) insisted strongly on retaining the epithets, because they expressed only what our enemies really are, and urged that the best writers always used such terms on the like occasions. The Delegate from North Carolina observed that simplicity of style was true beauty, and dignity, in the language of public bodies. Embellishments of splendid epithets and figures, if proper at all, were only for rhetoricians and such as write for amusement. He wished our energy might appear in our actions, and that our language might be simple and undorned: He admired the peasants of Switzerland, who, in their struggles for freedom, were as remarkable for modesty in their language as for vigor in their exertions. He wished the Congress to imitate them in both. The exceptional passages were expunged. The debate now turned on the question whether the Law of Nations was proper to be mentioned. Some Gentlemen argued that it was improper to apply it to the proceedings against General Lee, because they proposed trying him by the laws of his country; but others insisted that they had no power to try him, more than any other prisoner, by those laws. Many distinctions were attempted, which I did not understand. At length the N. Carolina Delegate declared, he thought all laws ought to be laid aside, but what both parties were equally subject to: these were only the laws of Nature and Nations. The municipal laws of all countries at war were silent with respect to the mere transactions, that related to or were the consequence of war. It was the proper policy of Britain still to regard the Americans as subjects, and to insist on the execution of the municipal laws: but it was the proper policy of America to maintain that the American States stand in no other relation to Britain, than as an independent Empire at war with her; and therefore, that the Law of Nations alone ought to be observed between them. Retaliation is the only instrument whereby nations can compel the observance of that law, and America ought therefore firmly to retaliate when the Law of Nations was violated.—“The Law of Nations” was inserted.

Feb'y. 21st. A Letter from General Lee, requesting a Committee of Congress to be sent to New York, to whom he might,

with permission of Lord and General Howe, impart something of great consequence to himself, and of no less, in his opinion to the public. His letter was in very pressing terms. It was the general sense of Congress that no conference ought to be held with any but Embassadors properly authorized by the Court of Britain to treat of peace; that Lord and General Howe could have no powers on such a subject by virtue of their commission, which was particularly limited by Parliament to other purposes: that any conference with them would be impolitic and degrading: degrading, because their powers supposed Congress objects of their dominion, and even of their mercy: impolitic, because it would give opportunity for representing in the Courts of Europe that Congress were in Treaty with Britain for a reconciliation, and for some time suspend, by this means, their intentions of befriending us. But it was also agreed that the Congress ought to give every possible attention to General Lee's personal safety. The Resolution was passed of directing General Washington to inform General Lee of the measures they were taking for his safety, and to request him to inform them of any thing they could further do: but that they could not think it consistent with the dignity of Congress to send a committee to treat with him on public business.

24th. A letter from General Washington informing that General Howe and Lord Percy were arrived at Brunswick with a reinforcement of troops and heavy artillery; that he apprehended the enemy intended to enlarge their quarters and procure forage in the Jerseys, or to march towards Philadelphia, neither of which was his force able to prevent. The Congress ordered General Washington to call to his aid the Continental Troops under General Heath, and in Providence, and letters were ordered to be written to the Colonels of the Battalions North of N: Carolina, ordering them to send their troops by companies, and parts of companies as fast as they could be got ready, to join the General,—except such as were destined for Ticonderoga. N. York was requested to send detachments of their militia to supply the place of General Heath. New Jersey & Pennsylvania were also requested to reinforce the General with militia. To this resolve was subjoined a declaration of Congress, “that it was their intention to reinforce the General so as to enable him not only to curb and confine the enemy within their present quarters, but, with the blessing of God,

entirely to subdue them before they are reinforced. This pompous paragraph was much condemned by some Gentlemen, as an unworthy gasconade and it was warmly debated. No. Carolina observed that threats were unbecoming a private Gentleman, and much more unbecoming a public body: that this pompous boast, if not realized, would render the Congress exceedingly ridiculous, and there was great reason to fear it would not, that our vigour ought to appear by efforts not words; that at best it was a useless superfluity, and ought to be expunged. Jersey, Pennsylvania, North Carolina and South Carolina voted for expunging: the four Eastern States, Virginia, Georgia for retaining. There appeared, through this whole debate, a great desire in some of the Delegates of the Eastern States, and in one of New Jersey, to insult the General. Georgia always votes with Connecticut, and is of no further use in Congress.

Feb'y 25th. This day there was a very interesting debate on some amendments proposed to a report of a Committee, appointed to consider of some means for preventing desertion; but the main question was concerning the jurisdiction of Congress and the States. The decision was postponed. The debate lay chiefly between Mr. Wilson, of Pennsylvania, and the Delegate from North Carolina. The opinion of a great majority was with the latter; but it was not deemed prudent to decide. N. B. This is all that I can now transmit: but as you know the opinion of your Delegate on such questions, you can judge the opinion of Congress; and for this reason it is that I mention that a majority was in his favour.

26th. It was determined to give six per cent interest on money borrowed or to be borrowed on Loan Certificates. Connecticut went over to this measure and drew Georgia with it. An attempt was made to extend it to certificates to be given in payment for Lottery prizes, but rejected. The debates were long and troublesome, but unimportant. No. Carolina was always against increase of interest, because the Delegate considered it as incapable of producing any money, but in the way of an emission on interest, and therefore that it was resolving to carry on the war at an interest unnecessarily increased one half, and that no sum was accumulated or could be borrowed, the acquisition of which would compensate for carrying on the war at this increased interest.

The question was put in the morning for an adjournment to Philadelphia. All the Southern Delegates were against it, except Georgia, who always votes with Connecticut. The reason given, that much business of consequence was before the Congress, and it was improper to suspend it by an adjournment; that the weather was so bad and several States so circumstanced, there was very little probability of the Congress meeting in Philadelphia in several weeks; that the General was of opinion the enemy intended an attack on Philadelphia, and if they attempted it they had no force to stop them; in fine, that it would be foregoing a certainty of doing business, for a very great uncertainty. For if the only reason of any weight came from the Board of War, which was that for want of mechanics and wagons the business of their department went on very heavily at Baltimore. This was answered by observing that an adjournment would cause an entire suspension of this and all business, and there was no probability of an early meeting at Philadelphia. There was a peevish altercation on the matter, and in order to put an end to it, the Delegate from North Carolina moved, in the right of the State, to put off the question. A fierce debate ensued, J. Adams, Dr. Weatherspoon, Mr. Wilson, Mr. Sherman & some others alleged that it must be referr'd to a majority, whether the rule could apply to this case, and, in short, whether the State should be allowed to exercise the right of postponing. R. H. Lee with great perspicuity and force of argument, urged the violent impropriety of putting such a question at a time when a State attempted to avail itself of a privilege referred to each by the fundamental rules of the Congress, which certainly framed its constitution; that no change should be attempted until the State had exercised its right, and the rule might afterwards be considered and amended if thought requisite. F. L. Lee observed that the rule was originally intended to prevent a majority from deciding too precipitately, and if it was submitted to the majority, then when it was proper to apply the rule, or when a State might avail itself thereof, the majority would always determine against applying it at all. Mr. Haywood from South Carolina urged that he thought it a very extraordinary proposition to submit to a majority, whether that majority should be checked by a power absolutely reserved for that purpose in the constitution of Congress.

The Delegate from North Carolina declared that he would enter

into no debate on the subject, "whether he should avail himself of a right reserved to every State in the original constitution of the Congress"; that those rules must have been entered into by common consent, and nothing but common sense could dispense with them; that if a majority of Congress could vote away the rules which common consent had established, they were a body bound by no rule at all, and only governed by arbitrary discretion: if this was the case no State can be secure; a majority might vote that two, three, four, or five States should form a Congress, altho' the present rule required nine, that the votes should not be by States, but by voice individually,—in short, any the smallest number of Delegates might take upon them the whole authority of Congress: that putting the right of the State to a question was assuming to exercise an arbitrary, tyrannical discretion, and he would consider it as a violent invasion of the rights of his State, which he would endeavour to resent as became him: that if the question was at all put, he should be at no loss how to conduct himself: he would always to the best of his judgment, make a prudent use of any privilege with which he was invested, but he hoped he should always have firmness enough to maintain every the smallest privilege of the State he represented: that Gentlemen were exceedingly mistaken if they deemed him a man who would tamely suffer the smallest invasion or encroachment on her rights: that if that Assembly proceeded to so arbitrary and tyrannical an exertion of power, he would consider it as no longer that which ought to be trusted with the liberties of their fellow citizens, and he would shape his conduct accordingly. The Delegates of N. Hampshire, Maryland, Virginia, & South Carolina joined in this very strenuously, insisting that it was a most violent & arbitrary act of power to put any question at all on this matter; & the others (some individuals among them being of the same opinion) perceiving the determined resolution of the Delegate of North Carolina, to withdraw from Congress if any such question should be put,—they waived their opposition, and he exercised his right. The next day the adjournment was carried.

THOS. BURKE

GOV. CASWELL FROM ROBT. ROWAN.

[From Executive Letter Book.]

CROSS CREEK Feb 14th 1777

SIR,

I think it my duty to inform your Excellency that I am returned from the Iron works where Mr. Alston and myself (Mr. Harper the other Commissioner, having on account of his private business declined acting) agreed with Messrs Wilcox and England for the purchase of the Furnace Forge, and all their interest in the lands adjoining for the sum of £5000.

By the resolves we are empowered to buy the lands of Balaam Tompson & Thomas & Wm. Graves adjacent to the Furnace— as well as any other lands which we might think useful to the public. We are now in treaty for them, and hope immediately to effect a purchase. We are also empowered to erect another Furnace and a Slitting Mill. All the Tools, Implements, waggons, carriages, oxen, provisions &c. which belonged to the late Proprietors being now useless to them— and highly necessary for the works we have agreed to take, tho' we have not yet ascertained the value. All these things will make a considerable addition to the sum. The Congress granted us only £1000, which will not be nearly sufficient to supply the daily expense, of the works, as there must be at least 100 people employed, including the negroes of McKnight &c. which we have also taken into possession. Conveyances are executed to us in trust for the public— and we have already drawn on the Treasurers for the balance due on the purchase of the real property of Wilcox and England and shall give them an order for the value of the movables as soon as it is ascertained. The great quantity of provisions which will be wanted, the wages of the artificers and laborers— clothing of the negroes— the necessary buildings and additional works and the bedding and furniture, which are immediately wanted by the manager— founders &c. will require a very considerable supply of money— without which it will be impossible to carry on the works. The sum voted for the works by Congress last Spring (when the views of the Legislature were not as extensive) was £5000 of which £1500 only has been paid. I expect £2500 at least will be wanted, exclusive of what we have

already drawn for, to make the additional purchases, to erect the necessary works and buildings and to carry on the business with spirit. In a short time I do not fear but the works will support themselves with the sale of Iron to the Country and at the same time supply the public with Ordnance and Ball. The Furnace was not in full blast when I left it, but the manager expected metal from it, on the 10th Inst. and it has every appearance of doing well— Mr. Wilcox is by no means satisfied with the purchase money and expects a further sum from the General Assembly— which is mentioned in the conveyance— but it will lie entirely with them whether any further and what sum they will give. There is also a Clause that the works shall not be farmed or rented out to any private person— but if the Assembly should think the public exigencies answered, Wilcox & England shall have them again paying the public the legal interest of the purchase money & the value of the additional works, lands &c., and receiving a reasonable rent for the use of them. I have reasons to believe that these provisions were unnecessary as the resolves of Congress seem to imply that an Iron Manufactory in all its branches should be established, and this cannot be well expected from private adventurers.

I have subjoined an account of the payments made for the purchase, and am with much respect Sir, your Excellency's ob. serv't

ROBT. ROWAN.

| | |
|--|----------------|
| Money advanced by the late Commissrs. | £ 300— |
| By order of the late Congress | “ 200 |
| Paid by the present Commissr. | “ 100 |
| Negro hire for 8 months | “ 133-6-8 |
| Order on the Treasury in favor of Montgom- ery in whom the title of the Forge and Blowing was and to whom Wilcox owed the money | “ 223-11.1 |
| Order in favor Wilcox for the balance | “ 4043-2-3 |
| | <hr/> £5000” ” |

ABSTRACT OF DEBATES IN CONGRESS.

[From Executive Letter Book.]

1777 Feb. 8th.

Motion for offering 6 per ct. in the Loan Office.

For it,—was agreed the necessity of money for carrying on the war, which four per cent had not yet procured, the expediency of borrowing on this interest to prevent further emissions, and of alluring moneyed men to embark in our interest. Against it.—that the public, being the only borrower, must get the money at the interest already offered, if there was any to be lent; that those who withheld money, only did it in hopes our necessity would compel us to give a higher interest, and that they would withhold it as long as they had any prospect of forcing us to offer higher interest; that the interest would be a heavy and unequal burthen on the State, because those who now possess the money would lay the rest under a heavy tax under the name of interest; that there was little money to be borrowed, because men speculated and found they could lay it out to better advantage; that the necessity for money made it more expedient to seek a more certain resource. The delegate of North Carolina could not be satisfied that Loan Office certificates, and bills of credit, where both had the same security for their redemption, were not in effect the same thing: he therefore thought Loan certificates another emission in bills of another denomination, with this unjust inequality, that one part of the community would thereby be taxed for the others. He also thought that much money would not be borrowed on them at any interest, unless it was for the more convenient purposes of exchange, and he thought it would give our enemies too convenient a machine for affecting our hopes and fears. He would vote against a Loan altogether if it were now the question, and the same reasons induced him to vote against the increase of interest. Question put, Aye 5, no 5. Aye,—New Hampshire, M. Bay, N. Jersey, Pennsylvania, Virginia. — No. — Rhode Island, Connecticut, North Carolina, Georgia, S. Carolina.

Feb'y. 12th—Maryland and Pennsylvania were very solicitous to procure a vote of Congress, approving a meeting lately held by committees appointed by the four New England Governments, to the

end that this approbation might imply a right to disapprove. It occasioned very long and interesting debates. At length the general opinion was that Congress had necessarily a right to inquire into the cause of any meeting and to require to know what was transacted at any such meetings, and also to require an explanation of anything that was dubious, and satisfaction for anything that was alarming to the whole, or any one of the States; that this right necessarily existed in their power to take care each for his respective State that no injury happened to her from without. But that Congress had no right to prohibit meetings, or censure them if the transactions in them were not injurious to others. The delegate of North Carolina refuse to say what his State could not do, declaring he thought she could do every thing which she had not precluded herself from by plain and express declaration: to yield up any of her rights was not in his power, and very far from his inclination: that by the Law of Nations she had a right to demand a satisfactory account and explanation of any transaction of one or more States, and she had appointed him to watch lest any injury should come to her from without. In this he would use his best endeavours. The question put, the approbation was denied, many voting against it lest its ambiguity should create further disputes; of this number was North Carolina.

Feb. 15th. Yesterday was consumed in desultory debates upon a report of a special committee upon the proceedings of the four New England Governments above mentioned, and it was recommitted. This day it was brought in under a form agreeable to what was the sense of the House on what was yesterday considered. At first it expressed the opinion of Congress, that the proceedings were founded in justice, policy and necessity, and merited the warmest approbation. The second declared neither approbation or opinion—except particularly relating to the New England Governments, because of their peculiar circumstances, but proposed laying it before the other States for their imitation if they thought proper, avoiding as much as possible any expression that might suggest to the States that Congress approved or disapproved. In this form it passed without a negative, and it was voted that several States should be advised to confer with each other on this subject: viz: New York, New Jersey, Pennsylvania, Maryland and Virginia: North Carolina, South Carolina and Georgia. Nothing

very remarkable happened in his debate except that Virginia insisted on being connected with Maryland, and refused to be connected with the Southern States. The delegates present from Virginia were Richard Henry Lee, Francis Lightfoot Lee and Man. Page, all residing on Rapahanock and Potomack rivers. The Delegates from North Carolina represented that great part of the exportation of North Carolina was through Virginia, that her market was therefore in that State, and that she ought undoubtedly to be consulted in regulating the prices since she was so much interested therein that it was unjust and ungenerous in Virginia to endeavour to regulate them without her, and evidently shewed she was willing to do what would affect the interest of North Carolina without her knowledge or consent. Virginia persisted, and the vote passed for her conferring with Maryland &c. The question was now proposed for the conference of the Southern States; the Delegates opposed it, alledging that their articles of exportation would be always very low, by reason of the danger and difficulty of exporting: that none had provisions to spare but North Carolina, and her market for them being chiefly to Virginia she was precluded from regulation in that article by the regulation made in Virginia, of which as she would have no notice she could not accomodate herself thereto, and her Delegate declared she had too much vigilance and sagacity to make regulation since it might preclude her from taking advantage of circumstances to defend herself from the injustice of her neighbor Virginia: that since Virginia chose to confer with other States in making regulations which might affect North Carolina, and refused to confer with her where her interest was so nearly concerned, Virginia was entitled to no attention from North Carolina, and she ought to have it in the power of her citizens to avail themselves of all advantages which circumstances might throw in their way. The question put—all voted for the conference of the Southern States except their own Delegates. R. H. Lee privately told the Delegate from North Carolina that he need not be disturbed on this occasion, because Virginia could make no regulation but what must affect herself. The Delegate replied that it was arrogantly assuming to judge of her affairs, and affect them without her consent: it was taking advantage of her situation to be arbiter of the commerce of North Carolina, and it was shewing an entire disregard to her interest

and circumstances, and having them entirely to depend on the decisions of the Northern States, without even being consulted. The Delegate declared he thought this such an instance of contempt and disregard in Virginia, that he could not but receive it with indignation.

THOS. BURKE.

GOV. CASWELL FROM ALLEN JONES.

[From Executive Letter Book.]

HALIFAX Feby 18th 1777.

SIR,

Genl. Rutherford sent the Prisoners who were on their parol at Salisbury to Capt. Dickinson who was ordered by the late Congress to carry them to the Northward, and had power to draw on the Treasury for a sum of money for that purpose. Capt. Dickinson being out of the way, his Lt., Abraham Childers brought them here and delivered them to me. I have confined them on their parol to Halifax and two miles around it on the south side of Roanoke till I could have your directions what to do. They are some of the Royal Highland Emigrants commanded by Capt. Dun McNicol making twelve in all, also James Hepburn and Joseph Hughes. I could wish to remove them from this place, having scoundrels enough of our own—and to mend the matter they say they have no money, and expect to be supplied by the State. I have prohibited them from speaking disrespectfully of this or any other of the United States, or their proceedings, or depreciating our Currencies, and if I catch them transgressing, you may rely on it I shall send them to prison unless otherwise ordered. I shall wait for your directions and am with real respect your Excellency's mo^d. ob, Serv't.

ALLEN JONES.

TO THOMAS BURKE ESQR. FROM R. CASWELL.

[From the Executive Letter Book.]

NORTH CAROLINA, DOBBS Co, Feb. 16th '77.

DEAR SIR,

I had your favor from Hanover Court House by a Capt Ferns and Mr. Stanly. The former was called upon by the Council who

were then sitting at Newbern, but on examination he expressed great friendship for the American cause, owned himself a subject of this State and took the oath of Fidelity, whereupon he was dismissed.

I am obliged to you for the hint given me respecting this man the causing him to appear before the Council and pass an examination then made some others a little more cautious in their manner and expression.

We have received some accounts from Gen. Rutherford and from Watauga, signifying that the Indians had committed depredations on the inhabitants on Holston and by sundry affidavits respecting the conduct of Stewart, Cameron, and others the Council were induced to believe the Indians would actually annoy the Frontiers, and accordingly advised raising the Militia. One hundred men are ordered to the assistance of Washington District, from this side of the Mountains, and 150 are ordered to range the back Settlements in Surry, Rowan, and Tryon. Mr. Rutherford also mentions his expectations of the Tories arising in that part of the Country, that sundry firelocks had been forcibly taken from the Friends to this State. Gen. Persons and Col. Dry, have declined attending as Counsellors. 'Tis with difficulty I am able to get a sufficient number of those Honorable Gents. together to make a Board. Col. Blount, who is going to the Continental Treasury for Money in Consequence of the ordinance of our Congress, will deliver you this. I have written to Mr. Hooper to make application to Congress, if necessary, in my behalf, your assistance I know will be given. Mr. Blount carries an authenticated copy of the ordinance, which will show the power I have to apply to Congress in the last resort.

I find business is likely to multiply on my hands, and if I am continued in the government of the State, I believe it will be advisable for me to reside at Newbern, where I shall have frequent opportunities of writing to you, which I shall not neglect. Any intelligence you shall think proper to give me, shall be thankfully received.

I am

Dear Sir,

with great regard and esteem

Your obedt. Humb. Servant

R. CASWELL.

GOV. CASWELL FROM JOHN HANCOCK.

[From Executive Letter Book.]

BALTIMORE, Feby 20th 1777.

GENTLEMEN,

In consequence of the proceedings of the several Committees from the states of Massachusetts Bay, Connecticut, New Hampshire and Rhode Island—being laid before Congress, they have come to the enclosed Resolves, which I am commanded to transmit to you—together with those parts of the minutes that relate to the price of Labor & other articles— Altho³ Congress approve the measures adopted by the Body to prevent the depreciation of their Currency (except striking bills to bear interest) yet they have referred to the consideration of the other states, the propriety of regulating the prices of Goods and at the same time recommend to them, to devise such expedients as they may think will be most likely to remedy the evils occasioned by the exorbitant prices of Manufactures—and all other articles of Trade. I am therefore to request you will appoint Commissioners to meet at Charlestown in South Carolina, on the first Monday in May next—then and there to confer with other Commissioners, from the States of South Carolina and Georgia, on the subject of adopting such a system of Regulation as may be most suitable to these states. I beg leave to request your attention to the whole of the enclosed Resolves and have the honor to be Gentlemen

your mo. ob. & very humbl. Serv't

JOHN HANCOCK, Presidt.

Hon : Convention of the State North Carolina.

GOV. CASWELL FROM A. MACLAIN.

[From Executive Letter Book.]

WILMINGTON 22nd Feby 1777

SIR,

I have the honor to transmit to your Excellency a letter from Mr. Rowan, one of the Commissioners of the Iron works with an account of the purchase made from Messrs. Wilcox & England on act. of the public. I am apprehensive the purchase may be thought

high, especially as Mr. Mills, the manager seemed to be of opinion that £3000 would be a sufficient consideration ; but as money must have been advanced to the proprietors much more liberally than was hitherto done— As the expense of the metal from the Furnace, for the exigencies of the state, must have been great before new works could have been erected—and as there was little probability that the proprietors and the manager would agree well together— it was thought most prudent to take the works out of their hands— when there was so fair an opportunity offered. Tho' the Commissioners considered the works could be erected for a much less sum than was given, and tho' Wilcox and England had no legal title to the Ore, or the wood lands adjacent to the furnace, yet they had made such claim, as has been usual in that part of the Country, since Lord Granville's office has been shut up— and it would have had a bad appearance, and probably a bad effect, in a part of the state, where there are so many disaffected people had these lands been refused to claimants.

Besides in my own opinion, the works with the ore and woodland adjoining, are almost invaluable to any person who possessed a sufficient fund to carry them on with spirit— Had they been mine, I should have thought double the purchase money an inadequate consideration for them. The sum of money ordered by Congress to the Commissioners, is a mere trifle compared to the expense they must be at considering the number of hands that must be constantly employed, & the additional works that must necessarily be erected ; and as a purchase was ordered to be made, (tho' the resolves make no provisions for the payment of it.) I conclude that the Treasurers will of course pay the money— and I hope your Excellency and the Council will be of that opinion— and add your weight to it, if necessary— In truth Sir, the public, as far as I am able to judge, must be a gainer by the purchase— for I cannot conceive an article, where Iron is necessary that may not in a short time, be manufactured among ourselves ; and by contributing liberally for the present, the Legislature will soon reap the advantage of it ; not only in a present supply of ordinance and Ball— but a very great profit from the sale of wrought Iron— and utensils in cast metal— Mr. Mills, the manager informed me that he expected a quantity of German still, which was to have been purchased, and forwarded by our Delegates— I hope it is arrived, as it is abso-

lutely necessary for the boring-Mill without which cannon cannot be finished- I beg your Excellency will take the trouble of causing an enquiry to be made about it, and order intelligence to be given to the Commissioners or myself, that if it is not to be had immediately, such as is to be purchased may be secured in time. Mr. Mills hopes to have a few Guns ready by the time the General Assembly is to sit.

There is one Angus Campbell in Cumberland County- who was with the Tory Army- He gave the Congress last Spring, security for his good behaviour, and was ordered to reside in some other County- but the Council of safety permitted him to go back to Cumberland- I have been credibly informed, that he has not been called upon to go with the other prisoners, and in truth I was applied to, to know whether it was possible for him to remain where he is- I think it my duty to mention these circumstances, as Mr. Campbell has great influence among his countrymen- and if there is any omission- the blame may possibly be laid your Excellency's door-

I am, with great respect- Sir your Excellency's humbl.

& ob. Serv't.

A. MACLAIN.

TO DR. BURKE.

[From Executive Letter Book.]

NORTH CAROLINA 26th Feb. 1777.

DEAR SIR:—

I wrote you ten days ago by Col. Blount who I then thought would set out for Baltimore the next day. He is not yet gone. I have therefore an opportunity by him of sending this short epistle. I had your favour by Mr. Hooper who called on me on his way home four or five days ago. I am really sorry to hear of any jealousies entertained of the Northern States, being well convinced that on our union principally depends our success, and most cordially hope that every inducement to things of this kind will shortly be done away. As they, I understand have ordered a stoppage of their privateering business, more men from that quarter, I hope, will be found in the field. The information you

was pleased to give Congress respecting my inclination to serve to the utmost of my power the cause of America was very just, and give me leave to assure you that nothing within the compass of my power shall be wanting to give the necessary assistance to the recruiting business.' But I am really much concerned to find many of the officers, nay the greatest number, far from using that diligence I could wish, on this occasion. They seem, or at least such of them as I have conversed or corresponded with, desirous of going to the Northward but even there I fear their indolence will be such as to do no honor to their country or themselves.

Col. Blount carries my warrant to the Treasury, requiring the payment of 500,000 dollars to the order of our Treasurers, or either of them. He, as paymaster, has a draft for half that sum, which I must request the favour of you to assist him in procuring. The correspondence you propose with (me) every post is very agreeable to me. You will thereby lay me under great obligations, and enable me to give such intelligence to our enquiring countrymen as many of them think they are entitled to from a person in the station they have placed me

I am &c.

RICHARD CASWELL.

To Dr. Burke.

GOV. CASWELL JACOB BLOUNT.

[From Executive Letter Book.]

NEWINGTON, 26th Feb. 1777.

DR. SIR:—

I promised myself the pleasure of seeing you this day at your own house. but I was yesterday attacked by my old disorder a giddiness in the head, with a most violent headache and sick stomach. I took a puke and the violence of the operation has rendered me unable to go so far to-day, then I must go to New Bern to-morrow if possible. Since you was here Mr Hooper called on me on his way to home from Congress. He left Dr. Burke there, no news material, all our troops are ordered to the northward to join Gen'l Washington. Mr. Hooper furnished me with a resolve of Congress directing 500,000 dollars to be paid to my warrant; in consequence of which I send you my warrant to be delivered at the Treasury,

which is at Baltimore. By that I have required the Treasurer to pay to the order of our Treasurers, or Treasurer the am't. You will of course receive your sum in part. I also enclose you a copy of The Resolve of Congress, if the Treasurer has any doubts respecting the payment, he may have recourse to the original in the Secretary's office.

Mr. Hooper's letter you may return me. I send you another letter for Dr. Burke who will give you all necessary dispatch in procuring the money.

Mr. Hooper says the Congress will send a guard out with the money, that your barely sending my warrant would be sufficient. But I think 'twould be most advisable for you to go now as you are prepared for the journey, and it will be attended with much less delay. I heartily wish you a pleasant and agreeable journey, and am &c.

RICHARD CASWELL.

Jacob Blount Esq.

PETER LE POOLE TO GOV. CASWELL.

[From Executive Letter Book.]

CHARLESTON, S. CAROLINA, 28th Feb. 1777.

HIS EXCELLENCY RICHARD CASWELL, Esq.

SIR:—

Since I had the honour to left your State I never was favoured with any favors—I take this opportunity to acquaint your Excellency, that I am intended to depart from this province, in three weeks time direct to Amsterdam through the North Canal in the Big Liberty now loading with rice and indico. My going direct to Holland, and not via Westendun is, that my friends acquainted me of the risque in the Westendun, and the underwriters made no difference in the premium to there or Holland, and my being sooner in Holland in order to able me to serve my friends and the different States which have honoured me with their agency. With the last letters I have from Holland the price of the tobacco of Virginia was 8½ pence pr. lb. and by the arrival of a vessel in this port last week direct from Nantes dated 28th December 1777 I, got a letter from my friend, which mention the price of the tobacco 70 livres the 100 lb.; rice 20 liyres and 10 sol.; indigo 6 liv. 10 sol. a 8 liv. 10

sol. pr. lb. which no doubt are as high in Holland and worth while your observation. In case your State load a vessel and send her to Holland, please to direct: viz: to Peter LePoole and by his absence to Mr. John. Westendorp Mercht in Amsterdam, because I might been taken, in order to have a house in Amsterdam, to act in my behalf. Mr. Craike (now here) promise to converse with your Excellency what sort of goods your State shall require in return from Holland in case you shall think proper to send a vessel with tobacco, as the time is rather short to have the returns towards next winter.

I remain with due respect Sir, your Excellency's most humble servant,

PETER LE POOLE.

GOV. CASWELL FROM WM. LORD.

[From Executive Letter Book.]

WILMINGTON 28th Feb^y 1777

May it please your Excellency.

Since my appointment of Pay-master to the first Regiment at Halifax, I've been in a very bad state of health. however have done my duty as such as far as in my power. I only returned from Charlestown last week and am now confined to my room, therefore it's entirely out of my power to attend the deputy paymaster for money to pay the Troops, as I've paid away all that I got from him, and have attended Mr. Treasurer Ashe in hopes of getting some, but to no purpose, he having none in the Treasury. I am therefore obliged against my inclination to enclose you my appointment & hope my bad state of health will be a sufficient excuse for my giving up this post. The bearer Mr. Richard Bradley I would recommend to your Excellency, as a person deserving your notice and shall ever think it a favor done me, if you will appoint him in my stead; he will give your Excellency undoubted security. I hope to attend the Assembly in order to render my account for the public money, which I've been entrusted with. Till then am with the greatest respect.

your Excellency's mo. ob. humbl. Serv't

WM. LORD.

Acct with Mr. Blount & Col. Cannon for Rations Apr. 1776

1776 Apr. 15th Jethro Sumner to 3rd Regmt.

| | |
|--|----------|
| To 16, days Pay Apr. 6 @ 50 Dols. a Month— | £10,13.4 |
| To 31 days pay May @ 50 Dls. a Month— | 20,13.4 |
| To 30 days pay June @ 50 Dls. a Month— | 20 |
| To 31 days pay July @ 50 Dls. a Month— | 20,13.4 |
| To 6 days pay Augt. @ 50 Dls. a Month | 4 |
| To 25 days pay Augt. @ 75 Dls. a Month | 25 |
| To 30 days pay Sept. @ 75 Dls. a Month | 30 |
| To 31 days pay Oct. @ 75 Dls. a Month | 31 |
| To 30 days pay Nov. @ 75 Dls. a Month | 30 |
| To 31 days pay Dec. @ 75 Dls. a Month | 31 |
| 1777 To Jan, 731 days @ 75 Dls. a Month | 31 |
| To Feby 29 days @ 75 Dls. a Month | 28 |

£282,00,0

Cr.

By Wm. Blount Pay Master 175. Dols. a £70

530 Dols. due— £212,0

| | |
|---|--------|
| 1776 Apr. 15 th 1776 Commysary— | Dr. |
| To 16 days Rations at 6. per. Day @ 10d. | £4 |
| To 28 days Mays Rations @ 6 per Day @ 10 | 7,00.4 |
| To 3 days May Rations @ 5 per Day @ 10 | 12,6 |
| To 30 days June Rations @ 5 per Day @ 10, | 6,5 |
| To 31 days July Rations @ 5 per Day @ 10 | 6,9,2 |
| To 6 days Augt. R. @ 5 per Day @ 10 | 1,5 |
| To 28 days Augt. R. @ 5 per Day @ 8½ | 4,8,6½ |
| To 4 days Sept. Rations @ 5 per Day @ 8½ | 14,2 |
| To 26 days Sept. Rations @ 6 per Day @ 8½ | 5,10,6 |
| To 31 days Oct. Rations @ 6 per Day @ 8½ | 6,11,9 |
| To 30 days Nov. Rations @ 6 per Day @— | 6,7,6 |
| To 31 days Dec. Rations @ 6 per Day @— | 6,11,9 |
| 1777 To 31 days Jany. Rations @ 6— per Day @— | 6,11,9 |
| To 28 days Feby Rations @ 6— per Day @— | 5,19 |

68.6.7½

 GOV. CASWELL FROM JNO. FORSTER.

[From Executive Letter Book.]

WILMINGTON March 1st 1777

SIR,

Agreeable to the orders of your Excellency and the Council, I am now heaving down and preparing the privateer Gen^l Washington to take her station for the defence of this River, but am much afraid (should even Ball be procured in so short a time) She will be delayed much longer than I could wish for want of Hands—as from this Port being so long blocked up by the King of England's Ships, most of the Seamen have enlisted in the Land Service of the United States. Before there was a Commission for fitting out Armed vessels in this State those who did not enlist have gone to other parts, and the encouragement given in the Merchant service and on board private vessels of war by our neighboring states, so far exceeds the Continental pay that were ever so great a number of sea-men here, there would be but very little probability of my shipping a sufficiency of men, for the Washington, but as none are to be got here, I see no prospect of her being Man'd without your Excellency in Council could advise me or fix on some expedient, how men may be shipped with dispatch.

Most respectfully

I am your Excellency's mo. ob. humbl Serv't,

JNO. FORSTER.

 LETTER FROM THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

BALTIMORE March 2nd 1777.

SIR:—

The bearer has permission to go to your State to solicit the discharge of the prisoners taken after the defeat at Moores' Creek. He being a simple unobnoxious creature, I consented to his going, at their request, tho' their endeavour was to get some more knowing one. I believe his embassy will not be very successful; for I told them they must not expect ever to live in North Carolina on any other terms than swearing allegiance to the State and giving

security for their good behavior: but this they do not relish. They are desirous of knowing whether their families and property will be reserved for them, if they are exchanged. Farquhard Campbell speaks with much resentment and hautiness; he seems to think the State ought to court him to become her subject. I found they were not at all secure in close confinement, and the guarding them was exceedingly expensive. I therefore consented to their being on parole in Frederick Town in this State. They are incessant importuners, and I believe every Delegate is glad they are removed from the residence of Congress. Angus McDonald, the bearer, is to return to them if you think proper.

I am, Sir, with due respect and esteem,

Your Excellency's most obed't. serv't.

THOS. BURKE.

Governor Caswell.

GOV. CASWELL FROM GOV. HENRY.

[From Executive Letter Book.]

WILLIAMSBURG March 3rd 1777.

Give me Leave Sir, to assure you of my most cordial congratulations on your appointment to the Government of the state of North Carolina. That Country cannot but soon derive happy effects from your elevation to the dignity a grateful society have been pleased to confer upon you. Commissioners are appointed by the Executive of Virginia, to treat with the Cherokee Indians for the final Ratification of the peace, made with some of their Chief by Col. Christian last fall. I am not able as yet to inform you of the time and place, of the Treaty, but beg leave to refer to the Commissioners who are instructed to give you intimation of both, in order that Commissioners from your state may cooperate if it is thought proper.

With sentiments of high esteem and regard I have the Honor to be your Excellency's mo. ob. & very obliged

P. HENRY.

LETTER FROM SAML ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

MARCH 3rd 1777.

SIR:—

Mr. Swann and myself have so far executed the commission you were pleased to honor us with, as to hold the court on the 21st ulto. at Wilmington: but as the acting longer under it may interfere prejudicially with my intentions of obtaining a seat in the next Assembly give me leave, Sir, for that reason only to resign and decline acting further under it. Mr. Swann I believe, possesses intentions similar to these, but as he is not present, I do not enclose the commission, but hope this resignation will be sufficient.

Neither the Clerk of the Congress, nor the justices of any of the Counties in this District transmitted to us any depositions or recognisances of any persons relative either to the murder of Richarson or to Richarson the bro's killing one of the supposed murderers, or to the counterfeiters of money &c—so that we could not proceed against any of them. We had very little of other business before us.—I have directed the Clerk to make up the Record and forward it us.

I am Your Excellency's most obed't and very hbl. serv't. &c.

SAML ASHE.

His Excellency, Richard Caswell, Esq.

LETTER FROM FARQ'D CAMPBELL TO GOV. CASWELL.

[From Executive Letter Book.]

BALTIMORE MARYLAND March 3th 1777.

SIR:—

Considering the many obligations you laid upon me while under your immediate authority I acknowledge that I ought to have long ago transmitted to you an account of my unhappy circumstances. But two motives suggested to me the propriety of deferring it till now. Notwithstanding the intimacy that subsisted between you and me, and the place I held in the management of public affairs, so unmercifully has my character been handled of late, and so

industrious were the efforts of some men to blacken it, that I sometimes concluded a letter from me in banishment, and captivity and branded with all the infamous epithets that party zeal could invent would have been no compliment upon you. It is, an old saying that men's dispositions frequently change with the times. Indeed it is more than I can say by experience with regard to yours—for had others treated me with equal civility, my situation as prisoner should have been extremely comfortable. Still it is very difficult for a man under the frowns of fortune to rid himself of some apprehensions, which confirms the truth of the above observation, and I, for one, have found it notoriously verified in several of my acquaintances. Besides I have been long since in expectation of having the pleasure of giving you the history of my captivity in person. But these hopes are now quite blasted by conduct of the Continental Congress—we petitioned the Convention of North Carolina for permission to return home, promising to live inoffensively with our families without prejudice to the interest of the States, offering them all the obligations of our honour and interest as security for the performance of that promise. But Mr. Hooper plainly told us, that they never took our affair under consideration. For my own part, I offered both Mr. Hooper and Mr. Burk to mortgage my estate as security for my peaceable behaviour, provided they would permit me to enjoy the company of my family, which overture however reasonable had no manner of effect. Congress had not the least objection to extend our parole to North Carolina, nay some avowed the propriety of it, but the motion was disapproved by the Delegates from that State, who assigned the instructions of their constituents as a sufficient reason for so doing. Now I cannot conceive what danger there can be in granting me, and indeed all of us the indulgence on the above mentioned terms; My person and property in their power, and if I transgress it is the easiest thing imaginable for them to seize both, is it to be supposed that any man in his senses would pledge all that is near and dear unto him, for the performance of a promise he intended to violate, when there is not the slenderest probability that he can have it in his power to extricate himself from the mischief to which such a breach of faith would inevitably render him obnoxious. I appeal to any man of sense whether such a supposition can reasonably be

admitted. I hope you have known me long enough to be satisfied, that I will not or cannot entertain a scheme so disgraceful to my reputation, and so prejudicial to my interest—And as for such of my fellow sufferers as you are a stranger to, you may rest assured that difference in political principles has not rendered them wholly blind to their own interest. To you therefore as the most conspicuous man in the State, and as a man whose candour and integrity I have already experienced, I apply for a hearing in this matter. Far be it from me to beg any favour of you which it will be inconsistent with your duty to grant—I should be sorry to claim your friendship on any other terms, than such as are honourable to you as well as to myself. Conscious therefore of the honesty of my intentions and feeling myself that you are sensible of this likewise, I hope your interest will not be wanting to render my application successful—If any of the Gentlemen in power look upon me as peculiarly dangerous, I will cheerfully mortgage all my property to satisfy them with respect to the security of my promises; and more reasonable terms it is impossible for me to propose consistently with my principles and conscience. I have, jointly with the other prisoners in this department, subscribed the enclosed memorial; which, by my advice, they have committed to your protection. Be pleased to write me concerning the result of the application, directing to me at Frederick Town in Maryland, which, whether the memorial have the desired effect or not, will greatly oblige

Your most ob't. humble servt.,

FARQ'D CAMPBELL.

His Excellency Richard Caswell. Gov. of the State of North Carolina.

[FROM EXECUTIVE LETTER BOOK.]

Extract of a letter from His Excellency Governor Henry to Governor Caswell, dated Williamsburg, 3rd March 1777.

Commissioners are appointed by the Executive of Virginia to treat with the Cherokee Indians, for the final ratification of the peace made with some of their chiefs by Col. Christian last fall. I am not able as yet to inform you of the time and place of the

treaty, but beg leave to refer to the Commissioners, who are instructed to give you intimation of both, in order that Commissioners from your State may cooperate, if it is thought proper.

LETTER FROM J. G. BLOUNT TO GOV. CASWELL.

[From Executive Book.]

ST. EUSTATIA, March 4th, 1777.

I am sorry to inform our Excellency that I am not by any means able to procure salt in the West Indies on the terms which I expected. The doubts that are entertained here of property in America, renders it very difficult to get any person to accept of a draft on the State. Added to that the risque of the vessel in which the salt must come, makes it impossible to procure any quantity into that State without giving a most extravagant price; much more, I am sure, than the Convention expected at the time that limited the Agents each to draw only to the amount of six thousand and two hundred and fifty dollars, a sum so inconsiderable that it would not procure more than three thousand bushels of salt delivered there and to purchase one bushel here by a draft on the State, and to get freight would be altogether impracticable. I have contracted for and sent per the bearer, Capt. Sears, bound to Edenton, seven hundred and fifty bushels, at sixteen shillings per bushel delivered there: and given a conditional bill on the Treasury for the amount of the same. I have at present a prospect of procuring salt on those terms to near the amount I am authorized to draw for. If it should be the case, I hope to dispatch the vessel in a few days. My bills are only payable in case the salt is delivered I shall therefore be obliged to remain here, until I am informed of the safe arrival of whatever salt I may send, unless otherwise ordered by the Hon'ble the Council of State. In the meantime I shall do everything in my power to encourage the carrying of salt to that State: If it should be judged best to endeavour to get a greater quantity of salt, or any other article on the acc't of the State, I shall gladly do everything in my power to procure it, on my being properly authorized to do so, on the best terms, and with all possible dispatch.

I am with respect your Excellency's most obed. humbe s't.

J. G. BLOUNT.

His Excellency the Gov. of No. Carolina.

FROM THOS. EATON TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, 5th March, 1777.

DEAR SIR:—

I arrived here a few days ago on my way to Newbern, but find myself so indisposed that I've determined not to proceed. I propose to stay here until I can be informed whether you have a majority to proceed to business.—Charles Robb (Mariner) intends to apply for leave to be exchanged in the State of Virginia, and agreeable to advertisement in the Virginia Gazette it appears he may be exchanged for a better man, should the Council direct will your Excell^y be pleased to forward his permit by the first opportunity. I remain with great esteem yours sincerely,

THOS. EATON.

His Excellency Richard Caswell.

FROM R. CASWELL TO JOHN ASHE. ESQ.

[From Executive Letter Book.]

NEW BERN, 5th March, 1777.

DEAR SIR:—

By advice of the Council of State, I have drawn on you in favour of Mr. Francis Brice, who is appointed a Commissioner to purchase provisions for the United States of America for three thousand five hundred pounds currency. If you cannot furnish him with currency, let me request that you give him bills on the Continental Treasury in so many drafts as he may require, as he will, I imagine, be able to dispose of small drafts with greater ease than if his bills are large, and thereby be enabled to execute this very necessary business for the public with greater facility.

With great respect and esteem,

I am, Dear Sir, your most obed. serv't.

R. CASWELL.

John Ashe Esq.

LETTER FROM R. CASWELL TO SAMUEL JOHNSTON.

[From Executive Letter Book]

NEW BERN 5th March 1777.

DEAR SIR:—

Inclosed is an order of Council respecting the purchasing provisions in the State. In pursuance of which I have appointed Col^o Ja. Blount to purchase at Edenton, Mr. James Green, Jr. at New Bern. To the former I have given an order on you for three thousand five hundred pounds, and to the latter an order for seven thousand pounds. These drafts, I flatter myself, you will honour, either in paying them in our currency or drafts on the Continental Treasury for small sums such as they think may be disposed of with the greatest expedition, as thereby they will be enabled to render their country great service; the purchasing provisions being already too long delayed, owing to the length of time the dispatches from Congress were on their way to this State. I expected Col. Jacob Blount would have set out for Baltimore a fortnight ago, but by one means or other he has been delayed, until we have certain assurances that all the Continental Troops in this State are ordered to the Northward to join General Washington. In consequence of which and Col. Blount's information to Council that he thinks it will be in his power to pay off the Troops on their leaving the State, they have advised that he decline bringing the money you gave him bills for from Baltimore, but that he let it remain there ready to receive on the arrival of the Troops there. And as the Congress resolved that the 500,000 for this State should be paid to the Governor's Warrant, I furnished Mr. Blount with such warrant, and a copy of the resolve; but as he did not set out as expected I have called on him for them, and lest your bills should not be paid until the warrant arrives. I enclose it to you with a copy of the Resolve of Congress, that the Treasurer may have recourse to the original, if he is there I also send two letters to Doct. Burke herewith, which I had wrote to him at different times to go by Mr. Blount: the contents of which are chiefly to request his assistance in getting the money paid to our Treasurer's orders. Please to forward them with the warrant, and at the same time let Dr. Burke know the reason of Mr. Blount's not going on.

With great esteem and regard,

I am, Dear Sir, your most obed. serv't,

R. CASWELL.

Samuel Johnston Esquire.

FROM R. CASWELL TO THE DELEGATES FOR GEORGIA AT CONGRESS.

[From Executive Letter Book.]N^o Carolina 7th March 1777.

GENTLEMEN:—I have the honour to inclose you the copy of a letter I received from His Excellency President Bullock, in consequence of which as Governor of this State I have drawn four sets of bills on you for the following sums, viz: 500, 800, 1000 and 1200 dollars, payable to Capt. John Hardy or order. It was not in my power to furnish him with the cash. But I flatter myself he will be able to dispose of the bills so as to answer the same purpose.

I am Gent'n, your most obed^t serv't,

R. CASWELL.

LETTER FROM GOV. CASWELL TO GEN. HOWE.

[From Executive Letter Book.]NEW BERN, 7th March 1777.

DEAR SIR:—

This acknowledges the receipt of your letters respecting the Troops enlisted in this State and translated to the South Carolina and Georgia Battalions, by order of Gen'l. Lee, and Capt. Medici. The former I can not fully answer, until you inform (agreeable to your letter) the names of the men, and to what officers their bounty was returned. When I have the pleasure of receiving this information, I will do myself the pleasure to write to you fully on that subject. To the latter— give me leave to refer you to the Resolutions of Congress, a copy of which I enclose you. Till a Court martial or enquiry is held on the Capt.'s conduct, and he acquitted, no Com'n. can issue to him from this State. I shall always be happy to serve you, or any Gentleman you may think proper to recommend. Nothing new here. When your leisure will permit you, give me leave to solicit a line from you. 'Twill give me pleasure to hear from you on any occasion.

I am with great respect and real esteem,

Dear Sir, Your most obed. serv't.

R. CASWELL.

Brig. Gen Howe.

LETTER FROM GOV. CASWELL TO BRIG. GEN. JONES.

[Executive Letter Book.]

NEW BERN, 7th March 1777.

DEAR SIR:—

I rec'd. your favour of the 18th ulto. a day or two ago. Your conduct respecting the prisoners is very agreeable to me. but I am concerned that Capt. Dickenson has not carried the Resolution of Congress regarding them into execution. I do not know the names nor the number of prisoners who are in this State. When they are all collected at Halifax, if you will be pleased to furnish me with a list of their names, I will certify them, and give a letter of a credence to Capt. Dickinson agreeable to a Resolve of Congress. It will be necessary to certify the quality of the Officers, and to what Regiments they belong. This information you will be pleased to give me. One Angus Campbell who was paroled to Guilford has leave of the Council to retire to Cumberland for the benefit of his health; this man, I am told, is a dangerous person in that part of the country. If he is not called to Halifax pray direct Capt. Dickinson to send for him. I flatter myself you will do everything in your power, to get the prisoners collected from every part of the State to Halifax, and then give me notice, that I may perform the duty enjoined on me by Congress. The Council have advised me to direct that the Treasurers supply the prisoners with money agreeable to the directions of Congress which will make it necessary for me to have information of the sums they have respectively received, and the number of weeks they have been prisoners. This trouble I must also give you. So soon as these things are accomplished, be pleased to send me information by express, when I shall delay no time in doing what is incumbent on me,

I am with great respect and sincere regard,

Dear Sir. your most obed. serv't.,

R. CASWELL.

Brig. Gen. Jones.

GEN. JA. MOORE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, March 7th, 1777.

DEAR SIR:—

I herewith send you a copy of a Resolve I have received from the Continental Congress, ordering me to march the Troops belonging to this State to join General Washington: which is as follows:

“Resolved that General Moore and Genl. Nash proceed with the Continental Regiments raised and to be raised in the State of North Carolina; that they begin their march from South Carolina of such of the said Regiments as shall be there then, on the 10th day of March next, and of such Continental Troops as shall be in the State of North Carolina, as soon they shall be joined by the Regiments which are ordered from South Carolina, as aforesaid, the said Troops are to be marched by Regiments, or parts of Regiments, and that the Governor of North Carolina, and the Executive Powers of the several States through which such Troops shall march on their way to Head Quarters be requested to render them every assistance in their power to expedite their progress: that General Moore be empowered to draw on the Continental Paymaster of the Southern Department for such sums of money as shall be necessary to procure supplies for the said troops until they join the Continental Army; and that all Commissaries and Quarter Masters in the Continental Service, who shall be in the States through which they pass, contribute their best endeavours to aid in carrying this resolve into execution with all possible expedition.”

In compliance with Resolve I applied to the Commissaries to furnish provisions at different places marked out in the route I proposed to take, and to my surprise Mr. Mallett, one of the Commissaries, who is at present at Cross Creek wrote the following letter to his brother, who is his agent in this town. “It is necessary to acquaint General Moore that, by some means or other we can not command money from the Treasury as formerly; altho’ we are now 6000 in advance for provisions laid up, and that unless he can give some orders so as we shall be in cash, it will not be possible the troops can be supplied.”

From the above, you will perceive, Sir, that it will be impossi-

ble for me to move from hence, until orders are issued to the Treasury to furnish the Commissaries with such sums as may be requisite for laying in provisions at the different places I have appointed. Your informing me as soon as possible what measures you and the Council of State may think proper to adopt, will much oblige Dear Sir,

Your most obed't. humble serv't.,

JA. MOORE.

His Excellency Richard Caswell.

P. S. The Troops have Contrary to my orders, been detained in So. Carolina by General Howe, but I am in hopes they are now on their march.

LETTER FROM GOV. CASWELL TO GEN'L MOORE.

[From Executive Letter Book.]

NEWBERN, 8th march 1777.

DEAR SIR,

I have your favour informing the time you propose marching from Wilmington, and the route you intend to take, since which I have been informed by Maj'r Brewster that by some means the Troops have been delayed at Charles Town, so that I am inclined to think you will not march so soon: therefore can not now appoint a time for the meeting of the Council, but shall do that on rece't of further information from you. The Congress have required me to inform them the state of the Army here, as well of the 6 first Regiments, as of the 3 last raised or raising in this State. I must therefore request you will be pleased to order a return to be made me as soon as possible, and that the names of the Commissioned Officers be inserted in such return. If it were possible, I should be glad to know who of them you think proper to order to the No. ward. that Com's. from the Cont'l. Congress may be filled up for them before they leave this State. I am told there are Com's. here for six Regiments.— In the mean time I have filled up the Com's. from this State to Col's: Lamb and Lytle, which I herewith enclose, and request the fav't. of you to deliver them. I shall be glad to be informed if you approve the filling in the Con't. Com's., and what assistance you think you will have occasion of from the Gov't. Council on your march through this State.

I am with great esteem and regard, Dear Sir, &c.,

R. C.

To Gen. Moore.

P. S. I have requested Col. Armstrong of the eighth Regiment to make me a return on his arrival at Halifax, and to require the same of every commanding officer at Halifax, of such parts of the respective Regiments as he may find there.

R. C.

LETTER FROM R. CASWELL TO A. MACLAINE, ESQ.

[From Executive Letter Book.]

NEW BERN 8th March 1777.

DEAR SIR:—

I have the pleasure to acquaint you that the Council has approved the conduct of the Con'rs. of the Iron works, and advised me to direct the Treasurers to pay their drafts to Montgomery and Wilcox, and also any other sums they may require, not exceeding £2500. A copy of the Council's resolutions I have inclosed in a letter to Capt. Rowan, which I beg the favour of you to forward him; and I have given the necessary directions to Mr. Treasurer Ashe, in a letter I also send to your care addressed to him.

I am, Dear Sir, Your most obed't. serv't.,

R. CASWELL

A. MacLaine, Esq.

LETTER FROM GOV. CASWELL TO ROB. ROWAN, ESQ.

[From Executive Letter Book.]

NEW BERN 8th March 1777.

DEAR SIR:—

Inclosed is a copy of the Resolves of Council respecting the conduct of the Commissioners of the Iron works.—You have their approbation, as well as mine.—I have wrote to Mr. Treasurer Ashe to pay your drafts in favour of Montgomery and Wilcox, and also any further sums you may want, not exceeding £2500. This I hope he will comply with, and enable the Comm'rs, to carry on the works with spirit.

I am, dear Sir, your most obed. serv't.

R. CASWELL.

ROB. ROWAN, ESQ.

LETTER FROM R. CASWELL TO JOHN ASHE, ESQ.

[From Executive Letter Book.]

NEWBERN 8th March 1777.

DEAR SIR:—

In pursuance of the advice of the Council of State, I am to request that you pay to the orders of the Com'rs. of the Iron Works, the following sums: to wit: one draft in favour of Montgomery for £223.17.1., one other draft in favour of Wilcox for £4043.2.3., and any further sums they may have occasion for, not exceeding £2500. It appearing to the Council that it is absolutely necessary that the works should be carried on with spirit, they were induced thereby to recommend the above measure, which I flatter myself you will comply with when in your power.

I am Dr. Sir, your most abed^d. serv't.,

R. CASWELL.

JOHN ASHE, ESQ.

LETTER FROM WILLIE JONES TO GOV. CASWELL.

[From Executive Letter Book.]

Mar. 8th 1777.

DEAR SIR:—

I am informed by the prisoners of war at Halifax, that the late Convention made an order that they should be sent to the Northward to be exchanged. They have waited with anxious expectation for this order, but as yet it is not come to hand. I observe that the Council of Virginia have directed that all the prisoners of war in that State should be conducted to the Northward by the recruits which are to march for the Continental Army.—As our forces are to march to the Northward soon, the expence of a particular guard for the prisoners might be saved, if the order is forwarded in time. If the Resolution above mentioned was adopted by our Convention, and is to be carried into execution, you will oblige me by sending it as soon as may be, as the prisoners are very obnoxious to the people here, and for that reason among others very anxious to leave the place.

I am Dr. Sir, your most obed't. and very humble s't.,

WILLIE JONES.

His Excellency Richard Caswell,
Governor of North Carolina.

LETTER FROM DUN. McNICOL TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, March 8th 1777.

SIR:—

When the other Gentleman belonging to our Reg't. and myself signed our parole to the State of South Carolina, we were conducted to Salisbury by an officer without any other guard; our traveling charges were paid by the State, and horses and saddles found by them to forward us in a most genteel manner. In hope I shall be forgiven to trouble your Excellency with our treatment since: In the month of January last, B. General Rutherford ordered us away from Salisbury to this place, under the conduct of Capt. Martin Fifer, who ordered a wagon to carry our baggage and horses for ourselves to ride to Harrisburg, when he met with Cornet Childers of Capt. Dickenson's light horse who had neither horses for us to ride or money to bear our expenses. He applied to General Parsons for instructions about us; the General told him he did not look upon himself invested with any authority to give him any orders concerning us, as the Congress had given instructions to Capt. Dickinson to bring all the prisoners in the State to Halifax: that we were prisoners upon parole from the State of S. Carolina, and had a certificate of our good behaviour from the Committee of Salisbury; he therefore thought it improper in him to meddle in our affair, could not help thinking it inconsiderate in Mr. Childers to take charge of us without Capt. Dickinson's order. Childers conducted us to this place on foot, with an escort of nine or ten light horse; we had our travelling charges to pay ourselves: usage indeed quite new to us, we did not meet with any such since we were admitted to our parole. Upon our arrival in this place, B. General Allen Jones ordered two sentinels upon each door in Mr. Martin's house, and two rooms in the gaol to be cleaned, and sent us a parole to be signed, giving us only the liberty of the town of Halifax and two miles on the southside of the Roanoke river; unless we were pleased with that, we should be immediately sent to gaol: for my part, I am a soldier these eighteen years and such treatment of prisoners of war I never saw or heard of, unless their own imprudence merited it. I look't upon it that our parole to General Robert Howe and the President of

South Carolina was sufficient, nor could I find out either then or now any just cause for breaking our parole with the Southern State especially when all accounts concur that, the Hessian officers who are on parole much nearer the seat of war are allowed six miles. I hope if we are not to be removed soon, Your Excellency will allow us our former parole, or order it to be sent back to us, as I think one parole is enough for us to give. Am informed the Congress allowed two dollars a week for each of us but am at a loss to whom to apply for the money, and here we have no friends or acquaintances to supply us. It would be requisite that your Excellency would issue an order to pay us that money, as we have hitherto received no money since we came to this State, I have this day procured the inclosed from Mr. Jones, which I hope your Excellency will consider of, as our situation here is far from being agreeable, I have also inclosed a copy of the certificate from the Committee of Salisbury.

I am with due respect

Your Excellency's most humble serv't.,

DUN. McNICOL,

Captain, R. H. E.

GEN. JA. MOORE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, March 10th 1777.

SIR,

I am just informed by Col. Patten that two prizes has been lately brought to Newbern with a quantity of small arms. I would recommend to you by all means to have them purchased for the use of the North Carolina Brigade, and sent to Halifax about the 25th inst., there to be distributed to the Troops, who are greatly in want of them.

I am Sir, your h^{ble} serv't.,

JA. MOORE.

His Excellency Richard Caswell.

 GOV. J. RUTLEDGE TO GOV. CASWELL.

 [From Executive Letter Book.]
CHAS. TOWN, March 10th 1777.

DEAR SIR:—I think it necessary to acquaint you, that, in consequence of a solicitation for peace, by Deputies from the Cherokee Nation an ordinance has been passed here, for appointing Andrew Williamson, LeRoy Hammond, George Galphin, William Henry Drayton, and Daniel Hony Esq., Commissioners and Empowering them or a majority of them, to meet such Commissioners as may be appointed by North Carolina, Virginia and Georgia, or any of them in Congress with the Cherokee Indians, or their Deputies, to conclude a peace with the Cherokee Nation, upon such terms as may be just and Equitable. The time and place agreed on by the Cherokee Deputies who came hither for this intended Congress, are, the seventh day of May next, and Dewit's Corner, of which I have sent notice to Georgia, and now send it to Virginia. Peace with the Indians being a desirable object, I doubt not, that you and these States will appoint proper Commissioners to meet our Commissioners and the Indian Deputies, as above proposed, furnished with powers to conclude a Treaty of peace.

I am with great esteem, Sir,

Your obed and very h^{ble}. serv't.,

J. RUTLEDGE.

His Excellency. Gov. Caswell.

 LETTER FROM THOS. BURKE TO GOV. CASWELL.

 [From Executive Letter Book.]
PHILADELPHIA, March 11th 1777.

SIR,

Our adjournment from Baltimore has put all our proceedings to a stand, and our unsettled situation has prevented my writing to you as often as I at first intended, I believe you have no cause to regret it, for I had nothing to communicate worth your attention.

The more experience I acquire, the stronger is my conviction, that unlimited power can not be safely trusted to any man, or set of men, on earth, No men have undertaken to exercise authority with intentions more generous and disinterested than the Congress,

and none seem to have fewer or more feeble motives for increasing the power of their body politic. What could induce individuals, blest with peaceable domestic affluence, to forego all the enjoyment of a pleasing home, to neglect their private affairs, and at the expence of all their time and some part of their private fortunes, to attend public business under many insurmountable difficulties and inconveniences? What but a generous zeal for the public? And what can induce such men to endeavour at increasing the power with which they are invested, when their tenure of it must be exceedingly dangerous and precarious, and can bring them individually neither pleasure nor profit? This is a question I believe cannot be answered, but by a plain declaration, that Power of all kinds has an irresistible propensity to increase a desire for itself. It gives the passion of ambition a velocity which increases in its progress; and this is a passion which grows in proportion as it is gratified. I hope, Sir, you will pardon me these reflections. I know they have not escaped you. But I find my attendance in Congress, short as it has been, obtrudes them on me every day. Great part of our time is consumed in debates, whose object on one side is to increase the power of Congress, and on the other to restrain it. The advocates do not always keep the same side of the contest. The same persons, who, on one day endeavour to carry through some resolutions, whose tendency is to increase the power of Congress, are often on another day very strenuous advocates to restrain it: from this I infer that no one has entertained a concerted design to increase the power; and the attempts to do it proceed from ignorance of what such a being ought to be, and from the delusive intoxication which power materially imposes on the human mind. The latter inevitably leads to an abuse and corruption of power, and is in my humble opinion the proper object of political vigilance and jealousy. This is what will insensibly produce combinations of the States, and such combinations will be fatal to the liberties of many. It is of little moment to know what are now the subjects of political speculation. No State is in a condition to cherish projects of future ambition; but situation and comparative strength will always suggest such projects, and the powerful and conveniently situated will cherish them when they can. This will always be the case so long as man remains what his nature has determined him to be. Nor will human virtue

be a sufficient security against it: on the contrary I am very suspicious that our greatest danger will arise from that source. The present is the period of public virtue and spirit; it is also the era of inexperience.

Simple nature walks almost without disguise. That profound dissimulation covered by an appearance of the most unreserved frankness, always inseparable from the accomplished political negotiation, is unknown amongst us, and must long be unknown, because it is to be acquired only by the most assiduous application, and long attentive exercise in the habit of it. Courts are the only schools where it can be learned, and we yet have them not, and probably shall not have them very soon. Every man's soul now stands forth; and in every one you read in very legible characters, that the State he represents is more wise, virtuous, and powerful than any other, and therefore ought to dictate to the rest. Where the more palpable advantage of power is wanting, each, in his own imagination supplies the superiority in wisdom or virtue; and this, I believe in time will be realised. For conscious strength begets a security which relaxes the more painful efforts of wisdom and virtue; while conscious weakness spurs them to their highest mettle. But, strength, Sir, irresistible strength must in the end overcome all opposition. The more powerful States by combining, can doubtless subjugate the more feeble, and opposition will but rouse them to more effectual efforts. I own, Sir, I am under no apprehensions from the New England States. Their situation and natural disadvantages will prevent their becoming formidable if uncombined with others. Their situation is remote, and in a manner detached from the other States, especially ours to the Southward, and nature has in general denied them a fertile soil. Their principal resources will always be in commerce and fisheries. This indeed will give them ships and seamen; but they can not support the one, or fit out the others, without the assistance of other States, and other States cannot be excluded from fishing and navigation. Their strength may indeed be competent to internal defence, but I believe, not to foreign conquests. I think the most formidable combination would be Massachusetts, Pennsylvania and Virginia. The first has power sufficient to overawe, and consequently to direct the other three New England States. The second could equally influence Jersey and Delaware. Virginia would be formi-

dable to her Southern Neighbors, and Maryland. New York could not resist a combination of Pennsylvania and Massachusetts. Maryland must fall a sacrifice to Pennsylvania and Virginia. Against this powerful confederacy I fear, we should not be able to hold out long: and yet North Carolina seems to me best calculated to check the ambition of Virginia, I cannot help, Sir, apprehending that any resolution of Congress, wherein the three formidable above mentioned States concur, must be carried into effect, even if it tended to annihilate the Independence of other States, and divided their territory. I have said that virtue would increase or give birth to this danger. Thus I explain myself. The virtue most cultivated will be that which will most distinguish a man in the State in which he resides. The grandeur and preeminence of that State will be the favorite passion of every man in it. A zealous love for its grandeur and preeminence, and a capacity to promote it, will be what must best distinguish and recommend any individual in it. In a word patriotism in America, must always be partial to the particular States. Patriotism to the whole will never be cherished or regarded, but as it may be conducive or necessary to the other. The first will be the passion of the heart: the second the idea of the understanding, and whenever our common danger is at any time removed, or even relaxed, the latter will lie dormant, while the active principle of the first will exert its greatest energy. No man can rise to eminence or distinction but through the favour of his particular State; because he must be obscure until that points him out: and no man can acquire that favor by any other means than convincing them that their wishes will always be the first object of his attention,—not to mention that natural prejudice which every man living has in favor of his own country, and the community of which he is a member, and which the most attentive and liberal education is not able wholly to remove. In this particular all men are and ever will be national. These and many other considerations make me earnestly wish that the power of Congress was accurately defined, and that there were adequate checks provided to prevent any excess. I am also exceedingly desirous to have particular instructions relative to some heads which I shall enclose to you, to be laid before the Assembly. One thing now embarrasses me very much. It is this. Whenever any matter wherein the authority of Congress is contested is debated,

it is usual to lay it over undetermined. By the rule of secrecy you know I am not at liberty to communicate anything before it is determined, and therefore can not consult the State upon it. In these cases all our time is lost for nothing is entered on the journals and nothing therefore can give testimony hereafter that such points were contested, and even rejected by a majority, as is indeed the usual case. Relative to the measures intended to be pursued by Congress, I have nothing new to add. They are endeavouring at a foreign Alliance, and have some hopes of success: they will increase as much as possible their naval force, and are using every endeavour to recruit a strong army, to take the field early in the spring. Their endeavours in this respect will be ineffectual if not earnestly seconded by the States. I have no doubt, Sir, of your particular attention to this important object. I am often suggesting to Congress that the Civil Power of the States is the best instrument for calling forth their proportion of exertions in this or any cause: but they hear with reluctance any thing that looks like the interposition of such a power in military affairs,—tho' no one will venture directly to oppose or reject it. I need not repeat to you my own thoughts on this subject: you have often heard me deliver them and I have not yet changed my opinion. With respect to intelligence I will enclose you the papers, and anything not contained in them I will subjoin. I enclose you an abstract of the debates in Congress on every question of any consequence that has been determined in Congress since my last. By these you will see what has been decided, and why. You will from them also better judge of the various opinions or rather the fluctuations of opinion in Congress. This is an evil from which nothing but experience and a better constitution of Congress can deliver us. My own opinions, being those in which my country is particularly interested, I wish her to be fully informed of. To you, Sir, her principal guardian I submit them with all simplicity of unadorned truth; and when they are reprehensible I wish them to be reproved. The last matter in the abstract will show you, that even this early men so eminent as members of Congress, are willing to explain away any power, that stands in the way of their particular purpose. What may we not expect some time hence, when the seat of power shall become firm by habit, and men will be accustomed to obedience, and perhaps forgetful of the original principles which gave rise to

it. I believe, Sir, the root of the evil is deep in human nature: its growth may be kept down, but it can not be entirely extirpated. Power will sometime or other be abused, unless men are well watched and checked by something which they cannot remove, when they please.

This State is very unhappy at present so powerful a party opposes the new constitution, that I fear the Magistrate will not be obeyed. I am told Dr. Frank in persuaded them, by a simile, to reject a second branch of the Legislature. He said, two branches would resemble a wagon with two horses at the tongue two at the tail, who by pulling opposite ways would keep the machine still. I think the simile would have been more apt, had it represented four horses yoked to the tongue, whose business it is to assist one another in pulling on the plains, and up hill, and through all difficult places, but in going down hill the two hindmost should oppose the motion of the machine, and prevent its running too fast, to the prejudice—of horses themselves and all concerned. This simile of the Doctor's is said to have kindled the present flame. One can hardly suppress the reflection, that the people who could be so much influenced by it, were wonderfully competent to frame constitutions.

Our expenses here, Sir, are incredible: every horse is ten shillings a day, and every thing else in proportion. Since our arrival in this city, we have done very little in Congress. Until within a few days we had no Congress, and now we have but nine States: the few members in town are closely engaged in committees, and what I write is done when other people are asleep. You will therefore not wonder, should you find it very incorrect.

There are letters from Dr. Franklin in France of the 10th December. They represent a war in Europe as certainly imminent, and we have received very particular marks of the favor of that Court, which I am not at liberty to disclose. You will see in the papers a Resolution recommending to the States to assess blankets for the soldiery. This is absolutely necessary, because otherwise such things can not be had. In our State I hope it will be attended with no difficulty, because a great many families can spare one at least, and supply themselves again before the winter by spinning. The money should be paid in the counties, and indeed if possible immediately on the valuation, because the price will not be worth

the trouble of seeking after, and the individual might lose it. Whenever it is necessary to draw for money for this purpose, your draught on the President of the Congress will be duly honoured. Before Mr. Hooper's departure it was ordered, resolved, that five hundred thousand dollars should be advanced to our State, on your Warrant. No such warrant has yet arrived: but some bills from the Treasurers have come to hand. I have consented to their being paid, and deducted out of the above sum; because I knew that was the utmost amount of what was permitted to be drawn, by any means, on the account of our State. The Treasury Board complain of these small drafts as being too troublesome, and wish you would order out the whole.

'Tis probable, Sir, the Assembly may make choice of some more able man to serve in this Department. I should be very far from deeming it an injury to me, and am certain it would be none to the State. I have resolved, very early in this dispute, to decline no service that my country requires me to perform, altho' all offices are almost equally out of my way, and none are desirable to me. But if the Assembly should think proper to direct me to continue in this department, I hope I may be allowed to return to my private affairs, for a few weeks in the summer. If I have this permission, I promise, Sir, that I will not avail myself of it to the delay or prejudice of public business. I began this letter on the 11th instant, and it is now the twenty-second (March). I will probably be some days before I close it, and if any thing occurs, I will subjoin it.

March 24th. A vessel has just arrived from France with ten thousand stand of arms, a very seasonable supply. We have some apprehension that General Howe will turn his arms against this city, and we are providing for his reception. I have the honour to be with the greatest respect and esteem,

Your Excellency's most ob'd't. humble servant,

THOS. BURKE.

P. S. You will perceive by the paper of 26th that the account of arms was overrated. I beg the favour of you to forward the inclosed.

 LETTER FROM JOHN HUNTER JR. TO GOV. CASWELL.

[From Executive Letter Book.]

MARTINB'GH, Pitt Co. March 12th 1777.

MAY IT PLEASE YOUR EXCELLENCY.

Having been a prisoner in this State since the 20th of April; from which time till the 27th of July I enjoyed the privileges allowed the other prisoners; but owing to some misrepresentation of my behaviour to the Council then sitting at Halifax, I was sent here where I have been ever since, confined in the narrow limits of this town, appearing daily at the house of a common constable; which induces me to address myself to your Excellency, hoping it will appear from my uniform behaviour, since my confinement here, that I never had any intention of being a hurt to the cause, while a prisoner; & that my taking an active part against the country was owing to my relations, on whom I was then entirely dependent; but having since by the death of an uncle, a valuable property left me, which is suffering greatly in my absence; and the unalterable resolution I have taken of leaving this country so soon as I can obtain my release, makes me wish to be removed to Halifax from this disagreeable situation; where I may enjoy the company of my fellow prisoners, and be ready whenever an exchange may offer: which is all I could pretend to claim from your Excellency's goodness, that has so deservedly acquired you the highest esteem of the captives in this State. And to remain

With due respect, your most obedient humble servant,

JOHN HUNTER Jun'r.

His Excellency Richard Caswell Esq.

 GOV. CASWELL TO GEN. JA. MOORE.

[From Executive Letter Book.]

DOBBS Co. 13th March 1777.

DR. SIR:—

I had your letter of the 7th & 9th current, delivered me by the person who came express. This instant, a copy of the Resolve of Congress of which you did me the honor to enclose a copy also, I

received by Mr. Hooper on his way home, which was the principal inducement to me to write to be informed of your route, as I formerly wrote you that I might call a Council so as to render you every assistance in our power on your march. Since which I wrote you by Mr. Harnett suggesting my apprehensions of your not being able to march so soon as the 15th by the delay of the Troops at Charles Town, but did not by any means conceive that there was the least probability of delay from the quarters you mention.

It is possible that Mr. Treasurer Ashe, on Mr. Mallett's application to him, refused paying him currency, as I am convinced he has little or none in hand, but I am confident that he would not refuse him bills on the Continental Treasury. The Treasurer (Mr. Ashe) was furnished early in January with a copy of an ordinance empowering him to draw for \$500,000, on the Treasury of the States; I wrote him soon after on the subject, and informed him that my warrant was sent on to the Treasury, requiring that money which was directed to be paid (by Congress) to my warrant, to be paid to the order of the Treasurers of this State. The warrant I expected would have gone by Mr. Blount, the Deputy paymaster General, who has since declined going, I have sent the warrant to Mr. Johnston, requesting him to forward it to the Treasury at Baltimore, lest any of our Treasurer's drafts shall be refused payment; but lest Mr. Ashe shall not have received the letter, I now write him and shall send another warrant, that no doubt I hope will after remain of getting bills at least, which will be answered the moment they are presented at the Treasury. If this does not answer I know of no other method to be pursued than that of sending immediately to the Congress, which I shall do upon your signifying that it is absolutely necessary.

I do not know of any arms at Edenton, but if you can find out in whose possession there are any belonging to the United States, or even to this State, I think the necessity of the cause will justify my giving an order for them, which I shall most certainly do, in favour of any person you may think proper to require them to be delivered to.

I again request you'll be pleased to let me know the time you'll set out, and what assistance you think may be in the power of the Governor and Council to give you on your march through this

State. Every thing within the compass of my power you may rely on.

I am &c.

RICHARD CASWELL.

To General Ja. Moore.

REUBEN SEARCY TO GOV. CASWELL.

[From Executive Letter Book.]

GRANVILLE COUNTY March 13th 1777.

MAY IT PLEASE YOUR EXCELLENCY :

The bearer, Mr. Jesse Newby, waits on your Excellency for two dozen marriage licences and as many Letters Testamentary. Our Representatives inform that the fees on them are to fall unto the benefit of the State, but as I am not certain they do, should esteem it a singular favour to be informed by your Excellency whether they do or not; If any thing should be due on them to yourself, will acc't for it punctually. The office of Register for the county of Granville is at present vacant. Mr. Ransom Southerland, who has lately become a Resident of our County, is willing to undertake that office, & is a good penman, also able to give the best of security for his just & faithful performance therein. If your Excellency will condescend to give a commission for that office, I can vouch for his veracity, &c., tho' I presume he is well known to your Excellency. Shou'd your Excellency have any dispatches for these parts, or to the adjacent Counties, the bearer hereof is a very safe hand to send them by, and you may depend, they shall be forwarded with the greatest care and speed. I have the honour to be with the greatest regard,

Your Excellency's most obed't. h'ble. Serv't.,

REUBEN SEARCY.

P. S. If your Excellency has any printed copies of the proceedings of the last Convention, should be extremely obliged to you for one.

R. S.

His Excellency Richard Caswell.

GOV. CASWELL TO JOHN ASHE, TREASURER.

[From Executive Letter Book.]

DOBBS COUNTY, 13th March 1777

DEAR SIR:—

It is with extreme concern that I inform you I have this moment rec'd information from General Moore, that the march of the Troops to the No'ward is like to be delayed on account of the Commissaries' not being able to supply the necessary provisions on the road, for want as Mr. Mallett suggests is his case, of being supplied from the Treasury with cash. I hope you have been able to sell bills so as to enable you to furnish them with the currency; if that has not been the case. I flatter myself they will take bills on the Continental Treasury, which I can have no doubt you will be justifiable in granting them to a reasonable amount; and lest you should not have received my letter wrote some time past by Col. Blount, I inclose a duplicate of a warrant I sent to Mr. Johnston, some few days past, which was done in consequence of a Resolve of Congress, a copy of which is at the foot of the warrant. This appears by that resolve, to be necessary previous to the Treasury making any payments to our Treasurer's orders; therefore I thought it expedient to send such warrant forward as soon as possible; indeed it was intended to have gone with Col. Blount the day of its date, but he has declined going to Baltimore, where the Treasury is now.

For God's sake, give every assistance in your power to facilitate the marching of the Troops. We do not know how necessary their assistance may be in the Jerseys; and as the Assembly is near, I hope we shall then be able to reduce any other warrant, or mere matter of form for these purposes, sufficient to justify our conduct in these particulars.

I am &c.

RICHARD CASWELL.

To John Ashe.

R. COTTEN TO GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

SIR,

It appears from your Excellency's good and worthy Authority that you have granted an administration to William Cotten on the

Estate of Willis Cotten deceas't. We who have an interest in that small Estate often denied William Cotten to administer till he at length Principally Refused,.....James Slatter who was Brother-in-law to the deceas't and greatest Creditor, also, applied to Court in a fair open manner and an Administration was granted to him an order of Court for the day of sale, &c., &c. William Cotten finding this to be the case then immediately applied to your Excellency's assistance and as I expect did not tell you the consequence thereof, which the Sheriff was dubious he had not told you the Truth in that affair, and as such did not sell because Cotten refused to deliver the effects. Cotten now intends to sell them himself as the Sheriff Refuses to sell them till he may see you, and as such please to send me a line by Mr. ——— and whether the Sheriff may sell or no as he desired me to write knowing I should have a quick opportunity.

I am with Consent Your most obed't. Hum^{bl} serv't.

R. COTTEN.

GOV. P. HENRY JR. TO GOV. CASWELL.

[From Executive Letter Book.]

WILLIAMSBURG, March 14th 1777.

SIR,

Authentic advices from the Cherokee country leave no room to doubt a war with part of that nation this spring. The Dragging-Canoe's party is now 4 or 5 hundred warriors, and they are separated from the rest of the nation with sentiments of determined hostility to the United States. The old men and chief warriors, we are told, are averse to war; and in order to cultivate this good inclination, we are endeavouring to treat at the great Island of Holston, with the Chiefs many of whom express a desire for such a measure. Our Commissioners who attend for that purpose, have it in charge from me to signify to you the time and place of this Treaty, in order that you may cause your State to be represented there, if it is thought necessary. I have ordered four hundred men under Col. Shelby to be assembled from the more interior counties, to guard the frontier and to remain on the defensive for the present, lest offensive measures might defeat the intended negotiation, and unite the whole nation against us. Indeed an

expedition at this time would meet with great difficulties on many accounts but more especially on account of provisions. I heartily wish the people of your State would cooperate with us in the scheme of defence, and, in case of an expedition lend us their aid. Should they attack the Indians while we are endeavouring to treat, 'twould defeat our purposes and complete the scheme of the enemy's agents, which is, to unite all the towns in the British King's interest. On the contrary, if our views in the treaty can be answered, we may so divide the nation, that the disaffected party may be prevented from doing any thing.

I have the Honor to be, Sir,

Your mo. obt. h^{ble}. servt.

P. HENRY, JR.

His Excellency Richard Caswell.

TO GOV. CASWELL FROM GEN. R. HOWE.

[From Executive Letter Book.]

SAVANNAH IN GEORGIA 15th March 1777

DEAR SIR:—

I just wish to inform you that Capt. Murphree, the bearer of this letter, has through the whole service, since he commenced officer, every part of which has been very fatiguing, and some of it dangerous, behaved with spirit, and in every particular worthily. I wish to recommend him to the notice of his country, which he truly deserves, and which your interest in obtaining him will much oblige Dear Sir, your most. ob. serv.,

R. HOWE.

His Excellency Rich'd. Caswell.

GOV. CASWELL TO REUBEN SEARCY, ESQ.

[From Executive Letter Book.]

DOBBS COUNTY, 16th March 1777.

SIR:—

I have, agreeably to your request, sent you by Mr. Jesse Newby, twenty-four marriage licenses, and as many letters Testamentary,

and taken his rec't on your acc't. You are to receive the usual fees on them, and acc't with me for the same. Whatever might have been the intention of your late Representatives, I do not know; but the Congress in the Constitution have directed a salary to be paid the Governor for his public services; that granting marriage licenses and testamentary letters is of utility to private persons only, every man knows; and these Gentlemen know they passed an ordinance enforcing the acts of Assembly till the next session. Under these I issue those papers, and under them I expect to receive fees, unless otherwise directed by the next General Assembly. I also expect you will acc't with me for the fees on ordinary Licences, which you have issued during my cont'e in office, without the General Assembly shall think proper to direct the contrary. Col. Southerland is a Gent'n with whom I have the pleasure to be acquainted, and would gladly serve; but the late Congress seemed to incline to consolidate the offices of Clerks and Registers in each County; for which reason I have not issued a register's commission in any one instance, nor do I intend doing it till the meeting of Assembly. Whatever they determine in this or any other matter if I continue in office, 'twill be my duty to pursue. The printer has been so busy about the Ordinances and Journals of the late Congress, that I have not been able to get him to strike off my blanks for me; and the last time I was in New Bern (about a week past) he had not quite finished the Journal, so that I have it not in my power to supply you with a copy. I have no dispatches for your neighboring counties, but am greatly obliged to you for your friendly offers of conveying such as I might have.

I am &c.

RICHARD CASWELL.

Reuben Searey, Esq.
Clerk of Granville.

FROM ABRA. SHEPPERD TO GOV. CASWELL.

[From Executive Letter Book.]

MOUNT DRAYTON, March 16th 1777.

DEAR SIR:—

Your much esteemed came to hand last night, & am greatly obliged to you for past favours, and much so now, as I shall be

glad to serve my country in that station under so noble a General as General Washington, I have the vanity to think that I can raise a regiment as soon most men can, provided I have the naming my officers. There is three Capts. now in this Battalion will be glad to serve. They and their officers and many of their men are ready to enlist, and I believe that if the Commissions could be got here before we were disbanded, they would get best part of their companies, as they have pretty full companies here. Capt. Andrew Surry lives near the Virginia line, and his men are mostly Jersey and Pennsylvania bred, and are fond of going to the North with him. Capt. Coffield, and many of his company have promised him they will go with him. Capt. Abra. Shepperd has the promise also of good part of his company to go with him, provided I go myself, and sundry young men in the other companies declare they will also list with the above Capt. under my command. I shall gladly accept of the appointment, and shall prepare myself accordingly, and make what dispatch home I can after our time is out here, in order to raise the men, Col. Dauge, I believe will take the Lt. Col.'s Commission, which if he will there is two men that can raise their companies in his part of the country. He is now gone to Charlestown, but I have had some discourse some time past with him about raising a new regiment; he seemed then inclined to serve. Capt. Si. Stephenson will make a good officer, if I can prevail on him to serve. The others I am not acquainted with, but only, as I have been informed, they are good men and have good credit with the people. I should be glad to have the paymaster a man that would be willing to oblige me, as the officers that have been up here complain mostly of their paymaster's neglect: also the commissary which is the main matter, to have good provision and well served. I was aware of my men listing in the South Carolina service, and have prevented them only about three or four, that were men that had no abidence, and they chiefly deserted within a day or two after they listed. Col. Polk's officers listed pretty many, and Col. Armstrong's. Capt. Raiford listed some also. This State have failed of their promise by Chief Justice Drayton; Since our station here at Camden the President sent his compliments to me, by Col. Polk, that he would send up the paymaster in three or four days; but no paymaster has ever appeared yet, although four weeks past. Our men are all healthy, and not a man has been sick, and are in high

spirits, as we have plenty of good beef and pork, but no thanks to the South State: we sent and bought it in our own State. This is the most miserable part of God's creation, both men and lands.

I am, Dr. Sir, your most obedient

humble serv't,

ABRA. SHEPPERD.

His Excellency.

FROM JAS. BLOUNT TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, March 21st 1777.

SIR:—

Mr. Samuel Johnston tells me he hath no money in the Treasury. He made me an offer of bills on the Continental Treasury for the amount of your warrant, but not being able to purchase more than between twenty and thirty pounds of pork, I have not taken any bills yet, but have taken all the care and pains in my power to purchase that commodity agreeable to your Excellency's and Council's orders, but am positive it can not be had under eight pounds per barrel, any where upon Roanoke or in the neighborhood of Virginia, as it bears the price of nearly quite seven pounds, the currency of that State; I could yesterday have purchased almost one hundred and fifty barrels, could I have given eight pounds instead of seven. If your Excellency shall think proper to give me any further directions, I shall be very glad to hear from you as soon as possible. From

Sir, Yours with great respect

JAMES BLOUNT.

His Excellency Richard Caswell.

P. S. I've been very unwell ever since I saw your Excellency last.

LETTER FROM ALEX. MARTIN TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, March 28th 1777.

May it please your Excellency:

I have sent you the Roster of the second Battalion of the Continental Troops of this State with the dates of the several officers'

appointments: as it will be necessary that every officer should have his rank ascertained when he joins the Continental Army by Commission. For which purpose, Col. Patten, or Adjutant Ingles will wait on your Excellency to know your pleasure thereon, and whatever Commissions will be made out, they will bear them to me or to the Gentlemen concerned.

I am with due esteem
Your Excellency's most humble servant,
ALEX MARTIN.

G. JOHNSTON TO GOV. CASWELL.

[From Executive Letter Book.]

HEADQUARTER'S, MORRIS TOWN 29th March 1777.

SIR,

Brigadier General Knox does me the favour of transcribing part of a letter which he this moment received from Col. Jackson commanding one of the 16 additional Battalions.

"Boston 20th March 1777

News, glorious news! Last Tuesday a large Ship arrived at Portsmouth from France: she has on board 1000 br'ls. powder, 12000 stand of arms—I say 12000 stand—a complete set of cannon for the Frigate at Portsmouth, and a very large quantity of linens, woolens &c., 'c., with a French General, Col. and major. These Gentlemen came well recommended by Dr. Franklin—She brings an account, that at the same time and from the same port a French 50 gun ship sailed for this port, with 50 brass field pieces and other warlike stores. All and every part of this may be depended upon as a fact. Yesterday arrived in this place two very fine prise ships from London, loaded with worth £50,000, sterling."—Colonel Hazard, now at Fishkill, writes His Excellency in these words "I have received a letter from Boston, dated 20th instant, from which the following is extracted." 'On the 8th instant arrived, at Portsmouth, an armed vessel of 14 guns, from France. Her cargo consists of 12000 stand of arms, 1000 br'ls. of powder, flints, guns for the frigate there, woollens, linens, &c, &c. She has been out forty days.—A 50 gun ship sailed at the same time, from the same place, for this port. We expect her heaving in sight every hour.

She is richly laden with heavy artillery and military stores. Two very valuable prizes are now riding in the harbour, both from London. They have woollens, linens, and summer clothing to a great amount. I had almost forgot to tell you that the Court of France has remonstrated against any more foreigners being brought to America, & that upon Dr. Franklin's arrival there, they demonstrated their joy by bonfires. Let me add the certain arrival, at Philadelphia, within a few days of a vessel from France with 6800 stand of arms, & 1500 double bridled gun locks on the public account, & 400 stand & several hundred locks on account of Capt. Stockor.'

With great respect your most obedient servant,
G. JOHNSTON.

His Excellency Richard Caswell, Gov. &c.

LETTER FROM GOV. CASWELL TO THE JUSTICES IN ORANGE.

[From Executive Letter Book.]

DOBBS Co. 30th March 1777.

GENT'N:—

It is with real concern that I this moment rec'd an acc't from Mr. Kinchin that no Court of Oyer & Terminer was held at the time appointed at Hillsborough. I have also received a petition from sundry persons, prisoners in the gaol of your district complaining of the length of time they have been imprisoned & now likely to continue by means of the Court's falling through, & requesting, such of them whose supposed crimes are bailable may be admitted to bail accordingly. I therefore take the liberty of recommending their case to your consideration, & from the feelings of humanity am induced to request that you will be pleased to enquire into the nature of the testimony against each of them, & bail such as are likely to be convicted of capital crimes, as in all other cases I presume bail may be taken in sums proportioned to the nature of the charge.

I am with great respect your most obed't. Serv't.

R. CASWELL.

To the Justices in Orange.

J. KITCHIN TO GOV. CASWELL.

[From Executive Letter Book.]

HILLSBOROUGH, 30th March 1777.

Permit me to return your Excellency my thanks & acknowledgements for my honorable appointment of a Judge of the Court of Oyer & Terminer for this district. But, at the same time, it is with real concern, I inform your Excellency that, together with Mr. Penn's inflexible obstinacy, & my diffidence from consciousness of my inexperience & want of abilities to discharge the very important & arduous duty of a Judge, there was no Court. I am sorry to say Mr. Penn's excuse was a very faint one; & of which he did not inform me in his answer to my letter, sent him immediately upon the reception of the Commission, but, on the contrary gave me to understand that he would sit in conjunction with me. I wrote him expressly that I could not by any means reconcile to myself, acting in so important a department without a co-adjutor, for the reason above, especially as the criminal Laws of this State are now rendered extremely vague & uncertain.

Thus much I have thought proper to inform your Excellency, least by misrepresentation (which but too often happens) unfavorable impressions should be made of my conduct in this instance.

I have the honor to be

Your Excellency's most ob't. servant,

J. KITCHIN.

JOSEPH HEWES TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON 30th March 1777.

DEAR SIR:—

You will no doubt be surprised to find that I am still in Carolina, I fully intended to have set out for the Congress in Feb'ry, but I have been so much indisposed almost ever since I left Halifax, great part of the time with rheumatism, that I did not think it prudent to engage with a more northern climate lest I should be laid up on the road, & be useless to the public & my own private concerns. I am now getting much better & should have set out

about this time had I not lately received some letters from Mr. Morris Chairman of the Secret Committee of Congress, requesting me to dispatch two vessels that are now here loading with tobacco on Continental account & bound for Nantes in old France. He says remittances are much wanted, & strongly urges the necessity of getting more vessels to go the same voyage. As I am a member of that Committee, & privy to most of their transactions, & am now already doing their business, I am almost as much in the way of my duty as if I was at Congress. If I was there much of my time would be taken up in chartering & loading vessels. There were but few merchants in that Assembly, which makes that kind of business fall heavy on Mr. Morris & myself. These circumstances I thought proper to mention to your Excellency, lest you should think me tardy. I want two vessels now for Continental service, one to go to old France, the other to Martinico. They are not to be had here on charter, & I have no power to purchase any on Continental account. Would it not be advisable for this State to purchase two or three good vessels & hire them to me for the above service. I have power to give high wages for suitable vessels & to insure them? This plan would greatly serve the public cause, & could not be attended with any loss to this State. If any other method could be hit upon by which I could be furnished, I should be exceedingly glad to have your Excellency's influences to expedite it.

I am with great respect and esteem,

Your Excellency's most obed. hum. servant,

JOSEPH HEWES.

His Excellency Richard Caswell. Gov. &c.

GENERAL WASHINGTON TO GOV. HENRY.

[From Executive Letter Book.]

HEAD QUARTERS, MORRIS TOWN, March 31st 1777.

SIR,

Captain Deshield of Mr. Buchanon's ship, from Baltimore who was taken by the enemy & carried into York, made his escape from thence on Saturday evening. He informs that three thousand Troops British & Hessians embarked about ten days ago from the

city & Staten Island on board transports which were lying at the latter when he came away; he adds that the enemy had built & are building a number of light flat-bottomed boats, about seventy of which were finished. Capt. Deshield says it seemed to be the general opinion and conversation, that this embarkation was for Chesapeake Bay, with a view of making a descent on the Eastern Shore, or that the Troops were to proceed to the head of Elk, taking Annapolis & Baltimore in their way: there were some who thought it probable they were to go up the North River & attempt the Highland Fortifications. I have written to General McDougal & Clinton desiring them to make the best preparations that circumstances will admit of in case the latter should be their object. Capt. Deshield being in company with the Captain of the packet, but unknown to him, heard him say that a war with France was much expected when he left England which was about the beginning of February.

I have the honour to be with respect, Sir,

Your most obed^t. Serv^t.

G. WASHINGTON.

[Above enclosed in Gov. Henry's letter of Apr 11, *post*.]

THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, April 1st 1777.

SIR:—

I wrote you by an opportunity which went home last week, & now take the liberty of troubling you with a few lines, whose purpose is to inform you of some interesting matters that have come to light since that time. One Molesworth a person of some credit in this city was detected in an attempt to corrupt the pilots and engage several to go to New York in order to bring round the the fleet. These honest fellows received him, & so ordered the business that not the least doubt remains of his guilt, which he found so evident that dissimulation was vain & he confessed it. He was tried by a Court-Martial as a spy, found guilty, and executed. Some of his coadjutors are still in confinement, & some principal conspirators are not yet apprehended, but we have hopes of being masters of them in a short time. Letters from France of the 21st January bring many pleasing intelligences. Some part

must not yet be communicated. Two millions of livres are in bank in Paris, ready to answer our drafts. France and Spain are exceedingly friendly to us. And twelve thousand stand of arms; twenty tons of gunpowder, a quantity of woollen and sundry necessary articles are arrived at Portsmouth in New Hampshire, *in a French armed vessel*; many others are on their way, & expected every day. In short, Sir, our prospect begins to clear up, & nothing is wanting but some vigorous exertions this season. I am sorry I can not give you a good account of our army, our recruits come in very slowly, & I fear there is very great abuse in the recruiting department. We have at present our whole attention bent towards the ensuing campaign. We are in a pretty fair way, if recruits do not fail us. Everything in Europe bears the appearance of a war, & I should not wonder if the flame should catch this summer. At all events, so apprehensive is England, that she will not dare to make any vigorous efforts in America. I shall not, Sir, take up any more of your time at present, but shall trouble you again when anything interesting occurs.

I have the honor to be with the greatest respect & esteem,

Your Excellency's most obed't. serv't.,

THOS. BURKE.

Governor Caswell.

GOV. P. HENRY, JR. TO GOV. CASWELL.

[From Executive Letter Book.]

WMSBURGH, April 1st, 1777.

SIR:—

Last spring the Convention of this Commonwealth directed two large Galleys to be built for protecting your trade & ours. Will you be pleased to tell me in what state they are, & how soon they will be fit for service. A considerable quantity of European goods were sent from hence to Edenton or Halifax, and there deposited. They were intended for the use of Col^l. Muhlenburg's Regiment; but as it marched to the North, the goods will be sent for, if you will be so obliging as to enquire for them & tell me in whose custody they are. I hope you'll please to excuse the trouble I give you, as I really know not whom else to apply to, or by what other

means to preserve the goods from being entirely lost. From the last intelligence I am inclined to think the Cherokees will be further troublesome. In every instance I shall be happy to cooperate with your State, but especially in matters respecting these Indians, in whose enmity or friendship the back settlers of Virg'a. & Carolina are so deeply interested. I did myself the honor to inform you of a treaty appointed to be held with them. It may possibly produce something. If offensive operations become necessary, is it not best to postpone it till corn is planted? Will you please to favor me with your sentiment on this subject, & thereby greatly oblige him

who has the honor to be with esteem, sir, yr. mo. obt. servt
P. HENRY, Jr.

His Excellency Richard Caswell,
Governor of North Carolina.

PETER & DANIEL MALLETT TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, 1st April 1777

May it please your Excellency:

We have furnished the greatest part of the Troops which have been at this place since the 10th Nov. last, as also to & from the line of South Carolina, but as the price of provisions are now become so high, we find that the price allowed us does not answer: & we must become losers: we therefore beg leave to resign our commissions, if we can not have a larger sum allowed, & hope no time will be lost in appointing some other Gentlemen in our stead. In the meantime, your Excellency may depend that we supply as usual, but that we should expect a greater allowance than 10 d. pr. rations. Upon the nearest calculation we find that we can not furnish rations for a less sum than 12½ d or 13 d, unless we put off the soldiers with fair food only (as some of our Commissaries does). We will still continue, provided these prices meet with the approbation of your Excellency & the House of Assembly. Should this be the case, we could wish some more regular mode may be fallen on for us to receive our payments, than as at present. We are obliged to be very largely in advance in order to keep up a good

stock of provisions, & we have found it extremely difficult even to get money when actually become due by vouchers. It is our opinion that the State ought to be in advance from £1000 to 1500 at least to every Regiment, & that we ought to draw our money pr. vouchers either monthly or Quarterly. We can also inform your Excellency that we have at least £7000 value in provisions on hand, which we will dispose of either to the State, or such Commissaries as may take our places.—We shall in a few days forward our accompts with this State. We are

Your Excellency's most obed't servants,

PETER & DANIEL MALLETT.

To His Excellency Richard Caswell.

CHAS. MEDLOCK TO GOV. CASWELL.

[From Executive Letter Book.]

ANSON COUNTY, April 1st 1777.

SIR:—

I think it a duty incumbent on me to acquaint your Excellency, that the books & papers of the Register's office of this County, that were taken from Lieut. Coln. Cotton's, in March 1776, have been in my care ever since that time, ten days only excepted. I should esteem the appointment of my son Israel to that office as a particular favour conferr'd by your Excellency on me; & beg leave to assure your Excellency, that he is fully capable of filling that office with credit, & ready to give the necessary securities.

I have the honor to be your Excellency's most humble & most obed. serv't

CHAS. MEDLOCK.

MR. HILLEGAS TO GOV. CASWELL.

[From Executive Letter Book.]

BALTIMORE, April 2nd 1777.

SIR:—

I have the honor, pr favour of Capt. Timothy Folgier, of sending two hundred Certificates of 500 dollars each, amounting to one hundred thousand dollars, which Certificates you will please to

deliver to the Commissioner of the Continental Loan Office in your State; requesting at the same time you will please to give T. Folger duplicate receipts for his having delivered them to you, one of which he will transmit to me; & when you will deliver them to the Commissioners to do the same I should not thus be troublesome to you, if I knew who your Commissioner was, as I should send to him immediately.

I am, Sir, with much esteem & regard,

Your most obed't. serv't.,

ML. HILLEGAS.

His Excellency Rich. Caswell,
Gov'r. of N. Carolina.

JNO. ANCRUM TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, 4 April 1777.

SIR:—

As you have been pleased to honor me with the office of Judge of the Admiralty for this port.—An intricate affair appearing before me now, in consequence of a Prize libelled in said Court, and my not being acquainted with the Resolves of the Continental Congress, of the mode of proceeding in the Court of Admiralty for the United States,—It will oblige me, if your Excell'y, would order the mode & rules of trial to be forwarded me by the first opportunity— For want of the above, I was obliged to adjourn said Court until further orders— I am informed that 12 jurors are to sit on the issue of the trial,—this with other circumstances, from my being unacquainted, induced me to make the above adjournment, until I have your Excellency's answer.

I have the honor to be your mo. ob. serv't.

JOHN ANCRUM.

GOV. CASWELL FROM JOSEPH HEWES.

[From Executive Letter Book.]

EDENTON 4th April 1777

SIR,

I had the honor of writing to you a few days ago by Mr. Benbury, this you will receive from Michael Payne Esq^r. a Gentleman

who was appointed Collector of this Port by the last Congress at Halifax, as that appointment was made to continue till the meeting of the present Session of Assembly. I suppose some new arrangement will take place, he is well qualified to fill the office, and has acted with strict honor and integrity during the short time he has enjoyed it. I sincerely wish he may be continued therein. I therefore take the liberty to introduce him to your Excellency, and to request the favor of your influence in his behalf, in case any other person should make application. I must also beg leave to inform your Excellency of some other matters that will require the attention of the Legislature. I have always understood that the two vessels building at South Quay were to be Row Gallies, that they were to be stationed at Ocracoke Bar, and that this state was to pay part of the expense of their Equipment for this purpose. A quantity of Cannon, sail cloth, anchors &c. have been purchased by this State. I have been informed, that the Virginians have altered this plan—that they have made them ships, and intend to order them to sea—if so they will be of no service to the trade, of this State, and ought not in my opinion to have the Guns, anchors &c. I have not the least doubt but that our Enemies will send some of our small Cruisers to our Bar, in the course of the summer when our Trade will be entirely stopped, unless we have a proper force at Ocracoke Bar—I will submit it to the consideration of your Excellency, whether it would not be good policy to purchase one of those vessels from the Virginians, and keep her stationed at the Bar. I am told one of them is exceedingly well calculated for the purpose draws very little water and might be rowed through the shoals at any time on an emergency, she would answer that purpose much better than the King Taminey, who might either be sold, or sent out on a Cruise. If Virginia will not part with one of them, would it not be well to build such a one on purpose for the defence of our Inlet, in which case the Guns, anchor, & Canvas should be reserved for her—if they are suffered to go out of the state the loss will be irreparable, and I fear our trade will be at an end. Before I left Philadelphia, I had two drafts made of proper Row Gallies, I now send them to your Excellency. The King Taminey was ordered to lay at the Bar, for the protection of the Trade. She is now in our Bay. The Commissioners inform me, they cannot get a Captain or men. No good man can be found, that will take the

command of her to be as a guard ship. I am very sorry for it, and sincerely wish that the vessels which stop at the Bar occasionally may be carried away by small armed Cutters and Boats. When I was in Halifax Mr. Neal shewed me a survey that he made of Cape Lookout Bay. Will your Excellency do me the favor to send it me, shall I apply to Congress for some Cannon to fortify it? if such application is desired, it will be absolutely necessary to carry the plan of that Harbor, otherwise Congress will not take the matter into consideration. I intend to set out for Philadelphia in a few days, I shall be glad to receive an answer to this letter before I go and to have your Excellency's commands. I intend to do myself the pleasure of writing to you frequently after I get to Congress and flatter myself you will now and then give me a line. I have not received a letter from the Northward for some time past, my friends there expect me, so do not write—the last post brought me some News papers, which I now send enclosed. I have the honor to be with great respect and esteem

Dr. Sir, your Excellency's mo. ob. Serv't.

JOSEPH HEWES.

[FROM EXECUTIVE LETTER BOOK.]

GENTLEMEN OF THE GENERAL ASSEMBLY.

Pursuant to the powers vested in me by the late Congress, I have granted temporary Commissions to the following persons, viz:

| | |
|---------------------------------|--|
| FRANCIS TARTANSON, Captain | } of a company in the eighth North Carolina Battalion in the Army of the United States. |
| RICHARD RESPASS, 1st Lieutenant | |
| JOHN McNORTON 2nd Lieutenant | |
| THOMAS CUSTIS, Ensign | |

John Ancrum Esquire, Judge of the Court of Admiralty at port Brunswick, in the room of Richard Quince Esquire, who refused to act.

Simon Jones, Captain of a Company in the eighth North Carolina Battalion in the American army, in the room of William Gurley, who refused to act.

Charles Demis, second Lieutenant in the said Company, in the room of Solomon Wood, who refused to serve.

John Bush, second Lieutenant in Capt. Harget's Company of the said Battalion, in the room of Gideon Canaway, resigned.

Elias Hoell, Ensign in the said Company, in the room of John Respass, resigned.

Abner Loomis, Ensign of Capt. Jones' Company in said Battalion, in the room of Thos. Bertie, resigned.

Allaway Langford, Ensign in Capt. Nixon's Company of the said Battalion, in the room of Samuel Jones, resigned.

Richard Bradley, Paymaster to the first Regiment of Continental Troops in this State, in the room of William Lord, Esquire, resigned.

Gideon Lamb Esquire, Colonel of the sixth North Carolina Battalion of American Troops, in the room of Alexander Lillington, Esquire, resigned.

Archibald Lytle Esquire, Lieutenant Colonel of the said Battalion, in the room of Colonel Taylor, also resigned.

Miles McSheely, Adjutant to the ninth Battalion.

John Burton, Adjutant to the eighth Battalion.

John Altran Loomis, Surgeon to the said eighth Battalion.

Which Commissions will be invalid at the end of this session of the General Assembly: & as the Troops are now on their march thro' the State, on their way to join General Washington, I submit it to you, Gentlemen, whether it will not be necessary to direct Commissions immediately to issue to those Gentlemen, so appointed officers in the Army, or such others as you may think proper to appoint. No application has yet been made to me by Captain Dickinson to certify the Prisoners of war in this State, nor have I been able to obtain a list of them tho', they still remain here. Application has been made to me by a number of them now at Halifax, for money to defray their expenses. A letter from Captain McNicol, & the petition of Joseph Hughes I herewith lay before you.: at the same time, I beg leave to recommend the sending the Prisoners of War, with the army now on their march to the Northward, as such a measure will be saving the expense of a particular guard. I also lay before you a letter from Messrs Peter & Daniel Mallett, Commissaries, complaining of the small allowance made for rations, furnished by them to the Troops, & proposing a resignation of their appointments, in case a further allowance is not made.

I likewise lay before you letters from the Governor of Virginia, & a letter from the President of South Carolina, informing that

Commissioners are appointed in those States to treat with the Cherokee Indians, & conclude a peace with them, to the end that you may appoint Commissioners to cooperate with them, if you think proper so to do. Captain Budd & Capt. Lowe of the fourth Georgia Battalion, are in town, & request leave to recruit men for the service of the United States. As the General Assembly is now sitting, I do not think myself at liberty to grant such leave without your direction therein.

RICHARD CASWELL.

New Bern, 9th April 1777.

TO THOMAS BURKE ESQR. FROM SAM MCKENZIE.

[From Executive Letter Book.]

BALTIMORE, April 5th 1777.

DEAR SIR:

I wrote a few days ago by your boy, but had it not in my power to send him by the conveyance. I expected as some of the passengers objected he had not had the small Pox. I hope to send him this morning. We have nothing but confusion in this place. They have settled the rank of Officers in such a manner that most of them have resigned. I mean such of them as are worth retaining in the service. I sincerely wish some method were fallen on to redress this grievance.

I have had a great deal of difficulty in procuring Medicines for the Hospital, but have succeeded beyond my expectations. In my absence Mr. Griffith did not supply, the people with the proper medicines. He drew upon me for what part I could spare, and afterwards quit acting, without giving me any reason or settling his accounts. I have appointed Mr. Nashons of this town, to act as Quartermaster for the Hospitals. I am convinced he will do his duty. As Maj. Daves who arrived here a few days ago, has ordered his men to march from the Hospital without my orders or a proper discharge, if anything should happen to the men, he is to be accountable.

I shall send you an account of all that has been transacted in my Department in a few days.

I am Sir,

Your Humble Servant,
SAM. MCKENZIE.

GEN. R. HOWE TO GOV. CASWELL.

[From Executive Letter Book.]

CHARLES TOWN 10th April 1777.

DEAR SIR :

I returned very lately from a fatiguing, fruitless, expedition to Georgia, the enemy having retreated on our approach. I got your obliging letter a day or two since, and shall observe its contents particularly, I am sorry my time will not permit me to say more to you in answer, than to assure you I shall comply with your request of writing to you, & shall always hear from you with pleasure. I beg you would inform me frequently how our public matters are situated, & am very much interested about the formation of the constitution. Captain Faulks & some other officers came to South Carolina to recruit for the Continental horse of Georgia. I am charged by the State to require your assistance on this occasion, & by your means that of your State. The situation of Georgia is truly deplorable; it must fall if it can not get its battalions full. Believe me, dear Sir, it is an embarrassing command to me, & a circumstance of anxiety & fatigue. I have been already four times to it, and expect soon to go there again. I have this moment received by express an account that some of our people have been murdered by the Indians in that quarter next the Creek nation, & the agent writes that a war with them is much to be feared, & expected.

I am &c.,

R. HOWE.

His Ex. Gov. Caswell.

GOV. P. HENRY TO GOV. CASWELL.

[From Executive Letter Book.]

WILLIAMSBURG, Apr. 11th 1777.

SIR,

A letter from Gen. Washington is enclosed, I beg you to send it forward from your State.

I have the pleasure to send you a copy of a letter rec'd last night, and I congratulate you on its contents. Any intelligence

on the subject of Indian affairs will lay an obligation on me. I beg leave to refer you to my former letters on that subject.

With great regard

I have the honor to be &c.

P. HENRY.

Gov. Caswell.

GOV. CASWELL TO GOV. HENRY.

[From Executive Letter Book.]

NEW BERN, 11th April 1777.

SIR:—

Your several letters of the 3rd & 14th ultimo & 1st inst. I have received, & would have done myself the honor of answering the separately on the receipt of each; but as they contained matter proper for the consideration of the General Assembly, I delayed it until the meeting of that Body, which is now sitting here; & hoped before this to have been able to have acquainted you with their sentiments respecting the Cherokee Indians. However on account of the thinness of the Houses, & settling the decorum to be observed between them, nothing of that business has yet been taken into consideration. Whenever they determine on the measures necessary for this State to pursue regarding the Indians, I will do myself the honor of communicating them to you. At present I have not the least doubt but they will appoint Commissioners to co-operate with those appointed by your State and the States of the two Southern Colonies. I have received no intimation from the Commissioners appointed in Virginia of the time & place of Treaty proposed by them: from So. Carolina, the seventh of May next, the place Dewit's Corner. I shall be glad to be informed by the return of this express, if your Commissioners will attend there, that those who may be appointed in this State may be directed accordingly. From every account I have rec'd from the westward I am inclined to think the intentions of the Cherokees are hostile, & perfectly agree with you that holding a treaty with them may produce something by which the States may be benefited. And if offensive operations become necessary, it will not be possible for us to enter upon them, till after planting of corn, and whenever we do, 'twill give me pleasure to find the people in the States of

Virginia & Carolina co-operate in the scheme of defence, as their interests in that particular, as well as many others, are nearly the same. For my own part, give me leave to assure you, Sir, that every measure shall be pursued, & every means adopted, that happens within my power, to effect so good a purpose. Your last letter I received but yesterday, since which I have made the best inquiry I could from the Gentlemen from Edenton & Halifax, & can get no information of any goods being lodged at either of these places for Col. Muhlenburg's Regiment. The Commissary of Stores will be in town in a few days, when, 'tis possible, I may get the necessary information from him. If I do, I shall take the earliest opportunity of acquainting you, as I shall do, respecting the Row-Gallies. I have only learned that one of them was launched about a month ago, the other was to have been launched the first of this month. Commissioners were appointed by our last Congress to purchase some materials, such as canvas, anchors, cordage, guns &c. Some of them are purchased, but what I can't yet say. Give me leave, Sir, to return you my most grateful acknowledgments for your kind congratulations on my appointment to the government of this State. If in the discharge of the duties of that station, I can be of any service to the State of Virginia, 'twill be with pleasure performed by him, who has the honor to be with the greatest esteem & regard,

Your Excellency's most obedient & very hble. serv't.,

R. CASWELL.

His Excellency Gov. Henry.

THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

APRIL 15th 1777.

DR. SIR:—

I am honored with your letters of the 16th & 25th of February, & I have taken the necessary steps relative to the warrant on the Treasury, & the letters which were inclosed. Col. Blount has not yet arrived here, but he will meet with no difficulty in obtaining the money. I must observe by the by that several bills from Mr. Treasurer Ashe came to hand before your warrant, & they were paid on my giving my approbation.

I laid the intelligence you gave me relative to Indian affairs before the Congress, who were just then in deliberation on that subject. Gen. Hand, an experienced officer, is ordered to the frontier to direct the necessary operations for their defence. He has directions to embody the militia of Pennsylvania & Virginia in such numbers & divisions as he shall find necessary, & to repel, or invade the Indians if the circumstances of the war require it. you will be startled at this power: but it was given at the request of Pennsylvania & Virginia, whose peculiar circumstances had made it necessary. Your vigilance, Sir, has anticipated any measures necessary for the security of our frontiers, & as I am better satisfied to rely on your powers for all the exertions of our State, than to admit extraordinary interpositions of Congress, I contented myself with barely assenting to the measures recommended by Pennsylvania & Virginia, without requiring them to extend to us. While our own militia is to perform the services, I believe it will be most agreeable to my country, as well as to me, that they should be under the command of their own officers, & under the direction of our own magistrates, especially while your Excellency presides. When I am to consent to the contrary, it must be under express instructions, or when inevitable & very sudden necessity allows no time to consult, & no choice of alternations; & even then I should rely on such circumstances to excuse me to candid constituents, but not to justify me to this tribunal. I am sorry for the difficulty you experience in convening the Gentlemen of your Council. I hope, Sir, they will find more inclination, & less inconvenience from the result of your Assembly.

I am pleased with your determination to reside in New Bern, if for no other reason but that of facilitating the communication between us. I will not fail to transmit you every thing worth your attention, in the order which I have mentioned & observed in most letters which I have hitherto written: but considering the value of your time, I shall spare you the trouble of unimportant reading.

In your favour of the 16th you have prophesied what has since in a great measure come to pass. All particular jealousies are for the present laid to sleep, & long & uninterrupted may their slumber be. We are more wisely employed in giving vigor to our military operations, & in correcting abuses in our department. The

success of the recruiting service is not yet very remarkable in the Northern States, notwithstanding the embargo, to which you allude. Mr. S. Adams informs me, from the best authority that our Lottery tickets have met with a sale amazingly rapid, & that the Loan office is successful.

I am very much concerned for the apprehensions you express relative to the indolence of our officers. Many abuses are complained of from every quarter in the recruiting service, & it is at length found to proceed from the idea that the civil power of the States had no control over them. This is what I had suggested very soon after my arrival at Congress, but it was always reluctantly listened to, until the abuse was complained of from many quarters, & attributed to the same cause. I brought in a Resolution for correcting the abuse through the interventions of the States, & was very happy in finding no opposition made on the old ground. It produced a reference to a Committee, & the result was the Resolutions which the President transmits to you, & of which the inclosed is a copy. I doubt not your vigorous exertions to root out all the evils in that department, which may be found in the State over which you preside. The Resolution, with respect to servants was originally followed by a clause, requiring compensation to be made to owners & masters; but it fell through, on an equal division; those voting against it, who were most interested in the affirmative. The day (Viz 15th May) is not well calculated for your State: but that Resolution is expected & intended to have its effect in the States, nearer to the field of action, & that day was deemed remote enough for that purpose. Upon the whole, Sir, I hope it will every where have as great effect as it can. We have for a few days been alarmed here, tho', I believe without foundation. No consternation followed upon this occasion, but measures were calmly taken to oppose the enemy. The Congress are sensible of the impropriety of their last flight, & I believe they will not again fall into the like error. I have added all in my power to confirm them in this disposition, & the timid members have encountered such poignant ridicule from many quarters, that I believe they deem the approach of the enemy less formidable than another series of like encounters. I, for my own part, intend to stay in the city, & give my best assistance for its defence, unless it shall be determined to abandon it altogether.

I inclose you the paper of the last date, which contains every intelligence I can give you. The dispatches from France mentioned in it contain little more than that it is the current opinion in Britain, that ten thousand men will be sent the ensuing summer against Virginia & Maryland, under the commands of General Burgoin. You will be pleased to excuse any inaccuracies in this scrawl, which I write in a crowd of disputing Delegates, in the Library adjoining the Congress room.

I have the honor to be with the greatest esteem & respect

Your Excellency's most obedt. servt.,

THOS. BURKE.

Governor Caswell.

LIEUT. GOV. JOHN PAGE, TO GOV. CASWELL.

[From Executive Letter Book.]

IN COUNCIL, WMSBURGH, April 17th 1777.

SIR:—

Your letter of the 11th instant by express to his Excellency the Governor he rec'd, & being too much indisposed to attend at the Board he desired me to lay it before the Council, I have therefore, Sir, the honor of writing you a few lines—for the multiplicity of business before us will permit me to write but a few. The Commissioners appointed by this State to treat with the Cherokees, were directed to inform your Excellency of the time & place they should appoint to meet the Indians: but as they have failed to do so and the day of meeting agreed on by your State, & So. Carolina, & Georgia, being now so near at hand, & the place at a great distance. I fear it will not be in their power to meet at that time: but I hope the Commissioners who shall meet, will proceed in their important business, as there can be no doubt that they will conclude no treaty which will not be for the common good, & that they will pay an impartial regard to the interest of any State which may not happen to have its Deputies or Commissioners present.

I am, Sir, your most obed't serv't.,

JOHN PAGE,

Lieut. Gov.

To His Excellency Ried. Caswell, Gov. &c.

 ELIAS BOUDINOT TO GOV. CASWELL.

[From Executive Letter Book.]

MORRIS TOWN, April 17th 1777.

MAY IT PLEASE YOUR EXCELLENCY,

Being hon'd with the appointment of Commissary General of Prisoners in the army of the States of America, it is absolutely necessary that I should be immediately provided with an account of all the expenses & disbursements of the different States in favor of the several prisoners taken from the King of Great Britain; in order that the accounts may be ready for settlement with General Howe, whenever we shall be called on for that purpose. I am therefore instructed by his Excellency General Washington to beg the favor of your Excellency to order all accounts of expenses & disbursements (as well those that have already been paid, as those which are yet due) made by your State in favor of such prisoners, to be immediately transmitted to me at Head Quarters, with the several authenticated vouchers for the same. I must also beg a return of such prisoners as are at present in your State, with the particular places where confined, their rank, &c.,

I have the honor to be

Your Excellency's most ob't. serv't.,

ELIAS BOUDINOT.

His Excellency Richard Caswell,

Gov. of the State of North Carolina.

 GOV. CASWELL TO A. NASH, SPEAKER, HOUSE OF COMMONS.

[From Executive Letter Book.]

NEWBERN, 18th April 1777.

MR. SPEAKER:—

A letter from his Excellency Gov'r Henry of the 11th instant accompanies this, which, with the copies of letters therein referred to, you will be pleased to communicate to the Hon'ble. the House of Commons, and then send them to the Senate.

R. C.

The Hon'ble. A. Nash, Esq.

Speaker, House, Commons.

[FROM THE EXECUTIVE LETTER BOOK.]

NEWBERN April 19th 1777

DEAR SIR,

With regard to news this way, I am to inform you it is my full belief that the Assembly will not open Courts nor even make a Ct. Law this session, most of the members being averse to such a measure in the present unsettled state of affairs.

Our Assembly have paid a compliment to our worthy Delegate, Dr. Burke, which no private man has experienced before. A new County taken from Surry is called after him.

A warm struggle is likely to take place between Mr. Penn and Mr. Hughes, for a seat in Congress. My belief is that the former will succeed. We have elected, and last Saturday proclaimed, our Governor, Caswell, and Council of State. We are all Harmony, and a perfectly good agreement, so far as I can see, is likely to prevail in our Houses of legislation. I have no more to say. But only to recommend to your prying mind, the case of these poor men.

I remain with very great regard and esteem,

Dear Sir, Your Obn't Servant

A. NASH.

SAMUEL JOHNSTON TO THOMAS BURKE.

[From the Executive Letter Book.]

HAYES April 19th 1777.

To Thomas Burke Esqr.

DEAR SIR

I hold myself much indebted to you for your favor of the 16th of last month, which reached me only two days ago, and though the nature of your Politics, will not permit you to descend to particulars, yet such general sentiments, as you may think yourself at liberty to express, will always be an acceptable present to me, who though almost entirely unconnected with Politics and Politicians, am not the less anxious for the welfare and happiness of these States. I am perfectly of your opinion, that the only object of importance at present, is the Defence of the Country. Until that is effectually secured, leagues, Confederacies, and Constitutions are prema-

ture, except as temporary expedients. I wish that sentiment prevailed more generally, and that it was not already too confidently believed by those, at a distance from the scene of action, that every thing was done, and that we should every one live quietly under his own Vine and Fig-tree.

Reports have been propagated that Gen. Washington's Army was so full, that it would be unnecessary to send troops from the Southward. I wish, but doubt the fact, for I am afraid from every circumstance I can collect, that no considerable reinforcement will go from this State.

I am told that if necessary, the Militia will turn out, but this you know is but a temporary expedient, and that they, cannot act at any great distance from Home. I have heard that the Assembly has met.

The Senate have chosen Samuel Ashe, and the Commons. A. Nash, as Presidents. Some disputes I am told have arisen between the two Houses about preeedency and that the business stands still, until that punctilio is settled, a circumstance, I am afraid, which will be attended with difficulty, for want of an Umpire.

Poor Gen. Moore is dead from a fit of Gout in his stomach, it is a pity he had not had an opportunity of showing his Military talents in a more active scene. In that case I am inclined to think he would not have fallen a victim to the Gout.

I wrote to you some time since of my having drawn some Bills, in consequence of the Governor's warrant, on the Treasury of the United States, which warrant I likewise enclose you. Since that, on the 15th of this month— I have drawn in favor of Ralph Collins, for three thousand, four hundred and thirty five dollars, and this day in favor of Samuel Butler, for one thousand, seven hundred and fifty dollars.

I am to set out in two days for Newbern, from which place, if any thing interesting occurs you shall hear from me.

Yesterday a vessel arrived here, loaded with arms for the State of Virginia in thirteen days from Staten. She brings no news. My family are well and thank you for your remembrance of them.

I am with the greatest Respect and Esteem

Dear Sir,

Your most obed't Serv't

SAM. JOHNSTON.

P. S. If there should be a gentleman in Congress, from Connecticut of the name of Law, pray make my most respectful compliments to him.

GOV. CASWELL TO PRESIDENT RUTLEDGE, OF S. C.

[From Executive Letter Book.]

NEW BERN 19th April, 1777.

DEAR SIR:—

The packet I have the honor to transmit to your Excellency herewith, I received by express last evening from Governor Henry, with copies of letters of which I enclose you copies, & most sincerely congratulate you on the accounts they contain. The subject of your letter respecting the Cherokee Indians I have communicated to our General Assembly, which is now sitting here. They have come to no Resolution thereon, but I am in hourly expectation of their taking that matter up; as soon as their determination is made known to me, I will do myself the pleasure to communicate the same to you.

I have the honor to be your Excellency's most obedient humble servant,

RD. CASWELL.

His Excellency President Rutledge

COL. ALEX: MARTIN TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, April 20th 1777.

May it please your Excellency:

I am solicited by Joseph Hughes, a prisoner at Moore's Creek Bridge, to mention him to your Excellency & the House of Commons,—that he may be permitted to have his parole in or near Salisbury, where he may support his suffering family,—that he is much against going to the Northward, where to be separated from his wife and be exchanged, he thinks a cruel & a double punishment. I do not think him quite so capital an offender as some of

the captive Tories here, & would beg leave to recommend him to such clemency, as has been shewn to Hunter and others permitted to tarry in the State.

I am, Sir,

Your most obedient humble servant,

ALEX: MARTIN.

His Excellency's Gov'r Caswell.

GOV. CASWELL TO DR. BURKE.

[From Executive Letter Book.]

NEW BERN, 20th April 1777.

DR. SIR:—

I have been favored with your several letters by Mr. Hooper, Mr. Folgier, & the post, & have done myself the pleasure of writing you two letters by the post. One of them was intended to go by Col. Blount, the Paymaster, but he declined going to the Congress. His business was for money, but finding all the Troops in this State were ordered to proceed to join General Washington, he declined, on a supposition that he should be able to pay them off before their leaving the State. I am really sorry to inform you, that the Troops do not make that dispatch on their march, which I wish them to do: they are scarcely arrived at Halifax yet. I understand the 25th inst is appointed for their marching from thence.

General Moore is dead. The intelligence reached General Nash at this place, who was to have staid in this State to facilitate the recruiting service. He set out this day for Cape Fear, to prepare to follow the Troops. Mr. Maurice Moore is also dead. Every account from the westward induces a belief that we shall be involved in an Indian war. The States of Virginia and South Carolina have appointed Commissioners to treat with the Indians. Our Assembly has been sitting more than a fortnight, and done little more than settle the decorum to be observed between each House, and the method of doing business. There are some new members, but few. Mr. Sam'l Ashe is Speaker of the Senate, & Mr. Abner Nash Speaker of the House of Commons. They have appointed the Governor and Secretary, & have chosen Messrs,

Harnett, Haywood, Leech, Starkey, Eaton, William Crery, and William Taylor members of the Council.

The subject matter of your letters has been communicated to the Assembly, but not taken under consideration. Delegates in the Continental Congress not yet appointed. Mr. Penn, who is a member of the Common's House, I am told is a candidate: 'tis possible he may be elected in the room of Mr. Hewes. The recruiting service goes on slowly, owing in a great measure to the negligence, want of abilities, or want of influence in the officers. The General Assembly has been prevailed on to appoint Col. Abra. Shepperd, who is just returned from his command of the Volunteers in South Carolina, to the command of a Regiment to be under the Continental regulations: his officers to be recommended by himself, & neither they nor the privates to draw pay until 300 privates are recruited; which he has engaged to effect by the first of July; and in that case the officers are to be paid from their appointments. & the men from the time of their enlistments. Colo. Shepperd was my Lient. Colo. at Alamance. He was with me at Moore's Creek, & there had the command of the militia, as he afterwards had at Cape Fear; and raised a Battalion of Volunteers to go to the assistance of South Carolina. On these occasions he behaved well: and I now think, tho', he begins thus late, he will be able to complete his Regiment; sooner than any other in this State will be full. I therefore beg you will endeavour to obtain a Resolution of Congress for putting Colo. Shepperd's Regiment on the Continental establishment. I presume it may be considered as one of the sixteen additional Battalions, if General Washington has not appointed the whole. Capt'n. Folgier sets out immediately, and as I hope to have an opportunity of writing in a few days, and that the Assembly will furnish me with matter, I shall now conclude with thanking you for your obliging information contained in your several letters. I flatter myself with a renewal of your favours, & am, dear Sir, with great respect & esteem

Your most obed't. serv't.

RICH'D CASWELL.

 COL. JETHRO SUMNER TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP AT HALIFAX, April 22^d 1777.

SIR,

I inclose you a list of the officers' rank and appointments agreeable to their settlement when met for that purpose 16th inst.: also a general return of the third Regiment, and the names of the Captains and other officers, whom I shall take with me to the Northward.

The Regiment, Sir, has greatly suffered by the enlistment of the soldiers in the service of South Carolina & Georgia, and by desertion, and are now every night running off. I wish a proper mode might be established, to deter inhabitants from harbouring all such.

I am, Sir, y'r very hum^{bl}. servt.,

JETH SUMNER.

His Excellency Richard Caswell.

 CHAS. ROBERTSON TO GOV. CASWELL.

[From Executive Letter Book.]

WASHINGTON DISTRICT, 27th April 1777.

SIR:—

The many hostilities committed by the Cherokee and Creek Indians on this frontier since the departure of the Gent^m. Delegates from this County, merits your Excellency's consideration. I will give myself the pleasure to inform you of the particulars of this distressed place, and of our unhappy situation. There have been several late murders committed, and on the 10th of this instant one Frederick Calvatt was shot and scalped, but is yet living: and on the day following Capt. James Robertson pursued the enemy with nine men, killed one and retook ten horses, and on his return in the evening, was attacked by a party of Creeks and Cherokees, who wounded two of his men. Robertson returned the fire very bravely, but was obliged to retreat on account of their superior number; still, kept the horses, and brought them in. On the 27th of March last Col. Nath'l. Guess brought letters from the Governor of Virginia, which letters were sent, by an Indian woman, to the

Cherokee nation, soliciting them to come in, in eighteen days to treat of peace. Accordingly there came a party of about eighty-five fellows, (but none of the principal warriors that had first begun the war), and at their arrival, the commanding officers at Fort Patrick Henry sent for me to march some troops to that garrison, as a guard during the treaty. Accordingly I went, and on the 20th ulto. the Talks began, and the articles of the Treaty were as follows; first a copy of the Governor's letter was read to them, promising them protection, such as ammunition, provisions, and men to build forts, and guard and assist them against any nation, white or red; and in return the Commissioners required the same from them; to which the Indians replied they could not fight against their Father, King George, but insisted on Col. Christian's promise to them last fall, that if they would make a peace, they should lie neuter, and no assistance asked them from the States. The Commissioners then asked some of them to go to Williamsburg, not as hostages, but to see their goods delivered, to obviate any suspicion of false reports. A number of about ten agreed to go. The Commissioners then told them that Virginia and South Carolina gave them peace and protection, and North Carolina offered it: to which the Indians replied, they heard the talks from South Carolina, & they & the talks from Virginia were very good. The Indians then promised to try and bring in the Dragging Canoe, and his party (a party that lies out, and has refused to come in, but says they will hold fast Cameron's talks) they still made no doubt but they could prevail on him; and said that he had sent his Talk with them, and what they agreed to, he would abide by. But the Little Carpenter, in private conversation with Capt. Thomas Price, contradicted it, and said that the Canoe and his party were fighting Capt. Robertson a few days before: and the last day of the Talks there arrived an express from Clinch river, informing us of two men being killed; to which the Indians replied to keep a sharp look out for there were a great many of their men out; & several of their women present declared that the talk was before the time to get guns and ammunition, and continue the war as formerly.

Accordingly they demanded them, which was the finishing of the Talks, and in sixty days they were to come in to treat and confirm the peace, and if they could not bring in the Dragging Canoe,

they send word laying the blame of the late murder on the Creeks. This, Sir, is a true state of the whole proceedings, of which I have the honour to inform your Excellency, conscious you will take every prudent method for our security.

I am, Sir, your most obedt. and most humble servant,

CHAS. ROBERTSON.

His Excellency Richard Caswell?

Captain General of the State of N^o. Carolina.

N. B.

There has been to the number of about twelve persons killed, since the Delegates departed.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, April 29th 1777.

SIR:—

An express going hence to Charlestown gives me an opportunity of writing you a few lines, but without being able to communicate any thing interesting.

We have at present in Congress a representation of all the Colonies, altho' the number of Delegates is not very considerable. New York entertains the most virulent jealousy against her Eastern Neighbours, and it is now heightened by an affair which is something embarrassing. The inhabitants of what is usually called the New Hampshire Grants,* have attempted to set up a distinct State, & sent Delegates to Congress to claim a seat. New York remonstrated: the new State (called New Connecticut) seemed to be patronised by the Eastern Delegates; but the Congress laid the papers on the table, and I hope will be wise enough to decline any interposition. I am for my own part clearly against assuming a judiciary power, such certainly never was the purpose of our Delegation. As I consider all jealousies as injurious to our common cause, and as laying the foundation of future evils, I use my best endeavours to discourage them; and I endeavour as much as possible to keep our attention to the main business, that of subduing our common enemy.

The Confederation comes under consideration two days in every

*Since become the State of Vermont.—W. C.

week. On this arduous subject you will easily imagine I want the assistance of my Colleagues, and indeed wish it reserved for men more able and experienced than I am. I shall give it however the most attentive consideration, and certainly shall agree to nothing, but on the clearest conviction and most uncontroverted principles. I shall very carefully abstract all the debates of any moment upon it, and every other subject, but particularly upon that, and when I transmit it to you, I will transmit the debates also. At present, nothing but executive business is done, except the Confederation, and on mere executive business there are seldom any debates; (and still more seldom any worth remembering. We have agreed to three articles): one containing the name: the second a declaration of the sovereignty of the States, and an express provision that they be considered as retaining every power not expressly delegated; and the third an agreement mutually to assist each other against every enemy. The first and latter passed without opposition or dissent, the second occasioned two days debate. It stood originally the third article; and expressed only a reservation of the power of regulating the internal police, and consequently resigned every other power. It appeared to me that this was not what the States expected, and, I thought, it left it in the power of the future Congress or General Council to explain away every right belonging to the States and to make their own power as unlimited as they please. I proposed, therefore an amendment, which held up the principle, that all sovereign power was in the States separately, and that particular acts of it, which should be expressly enumerated, would be exercised in conjunction, and not otherwise; but that in all things else each State would exercise all the rights and power of sovereignty, uncontrolled. This was at first so little understood that it was some time before it was seconded, and South Carolina first took it up. The opposition was made by Mr. Wilson of Pennsylvania, and Mr. R. H. Lee of Virginia: in the end however the question was carried for my proposition, eleven ayes, one no, and one divided. The no was Virginia; the divided, New Hampshire. I was much pleased to find the opinion of accumulating powers to Congress so little supported, and I promise myself, in the whole business I shall find my ideas relative thereto nearly similar to those of most of the States. In a word, Sir, I am of opinion, the Congress should have power enough

to call out and apply the common strength for the common defence: but not for the partial purposes of ambition. We shall next proceed to the structure of the common Councils; and here, I think, we shall meet with difficulties of the most arduous nature. The inequality of the States, and yet the necessity of maintaining their separate independence, will occasion dilemmas almost inextricable. You shall, Sir, know the whole progress of the matter if I can conceive and convey it with sufficient clearness.

Maryland has set an exceeding good example to the other States in laying a tax. I hope it will be followed in ours. I mean not in the mode, but the thing. It is the only adequate remedy for the abundance of circulating money, and its consequent depreciation. I have obtained from Congress, leave to purchase two hundred gunlocks out of the public stores. I have sent them to Hillsborough, and hope they will very soon be applied to the arms which are there preparing, and that the arms themselves will be put into the hands of the soldiers, and sent to their proper places?

Opinions here are various with respect to the intended movements of the enemy: 'tis certain however they have yet made none of any consequence. The officers in general are of opinion, they will attempt this city and it seems determined so dispute it with them. This too is the prevailing opinion in Congress, and I am much pleased with the severity and vigor with which we, at present, seem to regard objects of danger. Some of us, who are of a more martial cast, have gained the ascendancy so far that the timid are too fearful even to disclose their fears. I am pretty certain our next campaign will be active and interesting, if we are not disappointed in getting our army. The Northern, or what are usually called the New England States, are at present very languid: the troops do not at all come forward. Ticonderoga is in a very defenceless situation; and there appears very little reason to expect force there so soon as it will be wanting. We have no fresh intelligence from France, nor indeed have any vessels lately arrived from any part of Europe.

I am, Sir, exceedingly anxious to hear of our affairs in our own State: so informed as I am, I may perhaps consent to something that might do her injury. I write very frequently to every part of the country, but never receive a line in answer. Except the letters from your Excellency dated in February, I have not received one from North Carolina since my arrival at Congress.

I wish I could be informed of the success of my request to be permitted to return in the summer, if the Assembly think proper to command my further attendance in the service: or whether they may not make choice of some more able man to fill the Department. I will detain you, Sir, no longer, only to declare that

I am, with the greatest respect & esteem, .

Your Excellency's most obedient servant

THOS. BURKE.

His Excellency Governor Caswell.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, April 30th, 1777.

SIR:—

Some very disagreeable intelligence is just opened. Two thousand of the enemy landed in Connecticut, & have penetrated as far as Danbury (about thirty miles into the country) without opposition. We had a considerable magazine of provisions there, which have mostly fallen into their hands. We are anxious to hear other particulars of this affair. I will make no comment on it because I hope before long to give you some more agreeable account of it.

I have the honor to be

Your Excellency's most obed't. serv't.,

THOS. BURKE.

Gov'r. Caswell.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, May 2^d, 1777.

SIR:—

I wrote you day before yesterday by an express going to Charlestown, and after I had sealed up the letter, some intelligence was opened in Congress, which I wrote on a slip of paper and put into the cover. I doubt not you will receive it.

Mr. Cochran of Cross-Creek going home to-day gives me an opportunity of giving you all the intelligence relative to that affair,

which has been a little mischievous, and threatens consequences much more considerable than have happened. The inclosed paper contains the whole, as it was laid before the Congress; except a few expressions of General Arnold, complaining of the behaviour of the Connecticut militia, and of the supineness of the country which suffered such an insult without resistance or proper revenge. You will easily perceive that publishing such things would have no good effect. As Mr. Cochran sets off at three today, and I shall be all the intermediate time engaged in Congress, I shall not have time to write by him to any friend who may be in the assembly. I must therefore entreat you to give the members of Assembly this intelligence in the most public manner you can.

An insulting letter written by the Captain of one of the Continental Frigates to the Governor of Maryland has excited great indignation in Congress. The officer is suspended, and ordered in five days to make such satisfaction as the Governor and Council shall accept or, failing, to be dismissed the service. Every gentleman, (a few only excepted) seem to feel his own State injured in this insult, and they are determined that nothing less should do, than what would satisfy Maryland, and convince officers that they were very inferior to the Magistrates of States, and must treat them with the most profound respect. I never had more hopes of Congress than I have now. All seem sensible that the honour and dignity of the Magistrates of the States ought to be preserved sacred and inviolable; whether for applying the force of the State, or restraining abuses, and suppressing ambition. Your Excellency knows enough of my political creed to believe that this disposition is exceedingly pleasing to me. I have not time to add more, but that I have the honor to be,

Yours &c.,

THOS. BURKE.

His Excellency Gov'r. Caswell.

PRESIDENT J. RUTLEDGE, OF S. C., TO GOV. CASWELL.

[From Executive Letter Book.]

May 5th, 1777.

DR. SIR:—

I, some time ago, received a Resolve of Congress, recommending

it to me, to have enquiry made, what quantity of provisions had been stored by Col. William Kennan, for public use, agreeable to engagements made with General Lee, and to take such provisions off his hands, allowing the price thereof, if reasonable, to appoint Commissaries to remove such of these provisions, as were fit for use, to places of safety, and to make returns of the quantity and cost thereof to Congress. I was also requested to examine, and certify Col. Kennan's demand. This I have done, and allowed the following charges, viz:

| | | | | |
|-----------------|------------|------|-------------|-------|
| p'd for pork at | Wilmington | w'th | Jno. Moore. | 700 £ |
| salt at | do | w'th | do | 200 |
| pork—barrels at | do | wth | do | 60 |

£960 prod.

And with respect to the provisions stored in this State, I have ordered some into the hands of the Commissary, for the Continental Troops, and others to be sold, as appeared most for the advantage of the Continent. But, as to those in your State, I conceive, they are, most properly under your directions;—I have therefore wrote Congress, that I should take the liberty of requesting you, to give such directions, about them, as may be most for the interest of the Continent, and to inform Congress of the quantity, and condition of those provisions, and how you intend to have them disposed of. And, I now accordingly request, not doubting that you will be pleased to do so.

I am, with great esteem, Sir, your

obed. hble. serv't.,

J. RUTLEDGE.

His Excellency Gov'r. Caswell.

COL. ABRA. SHEPPERD TO GOV. CASWELL.

[From Executive Letter Book.]

DOBBS, the 7th May, 1777.

DEAR SIR:—

The bearer, John Sheppard, will deliver you an account of the men Capt. Abra'm. Sheppard has listed which is about thirty-three soldiers and please to direct him how he is to draw the other money that's to list with, I make no doubt but we shall soon have both

the Dobb's Companies full. I should have come down myself, but want to go to the upper Counties to assist them in recruiting. Should be glad John could get the money and bring it up with him for Capt. Sheppard as it is much wanting. Pray let me know how the other Captains must proceed to get theirs as the time is short and some will have a long ways to come for it.

I am, Sir,

Your very humble servant,

ABRA. SHERPARD.

To His Excellency Ric'd. Caswell.

JOHN GIBSON TO GOV. CASWELL.

[From Executive Letter Book.]

Treasury Office.

PHILADELPHIA, May 8th, 1777.

SIR:—

I have the honor to enclose your Excellency several copies of a Resolve of Congress passed on the 29th ulto., which I am directed to do by the Honorable the Board of Treasury: and the Board requests that a strict attention may be had to the several matters therein recommended to the States. An order, they hope, will be immediately issued for an account of the sums advanced by your State for the recruiting service, and the names of the officers to whom they were paid, to be transmitted to the paymasters of the several Battalions in which they serve: and that due care will be taken that the regimental pay-masters make their report to you of the settlement of those accounts, together with the vouchers to be produced when approved of by your State to the Treasury Board on adjustment of their accounts. If any of the Regimental pay-masters refuse or neglect to obey the directions of the Resolve their names are to be transmitted to the Commander in Chief of the Department in which they may happen to be, in order to have the delinquents removed according to the directions of Congress.

I have the honor to be

Your Excellency's most obedient and very humble servant,

JOHN GIBSON,

Aud't. Gen'l.

His Excellency Governor Caswell.

STATE OF NORTH CAROLINA.

[From Executive Letter Book.]

Recruiting Instructions for Col. Abraham Sheppard.

1. You are to enlist none but able bodied men fit for service, capable of marching well, and such whose attachment to American liberties you have no cause to suspect; young, hearty, robust men, whose birth, family connections, and property, bind them to the interest of their country, and well practised in the use of firearms, are much to be preferred.

2. You are, as much as possible, to have regard to moral character, particularly sobriety.

3. You are to be careful in inlisting such men for Sergeants and Corporals, whose ability, activity, and diligence make them fit for that appointment.

4. You are to exert yourself to complete your Regiment, and punctually to report to me, or the Commanding Officer left in this State, at such times and places as you shall be directed.

5. The soldiers are to be allowed one shilling per day each for their subsistence, till they join their Regiment.

6. You are to take notice that a Field Officer will be appointed to inspect the men you enlist, and reject such as are not fit for service.

7. You are to furnish the subaltern officers of your Company with a copy of these instructions.

8. You are to inlist your men according to the following form, to wit: 'I have this day voluntarily inlisted myself a soldier in the American army, for the term of three years, or to the end of the war, (as the case may be) and do bind myself to conform, in all instances, to such rules and regulations as are or shall be established for the government of the said army. As witness my hand, the day of 177 '

9. You are to inlist no soldier under five feet four inches high, able-bodied men, healthy, strong made, and well limbed, not deaf, or subject to fits, or ulcers on their eyes, or ruptures.

10. You are to pay to each soldier you shall enlist thirty dollars bounty, and engage a suit of clothes, or in lieu thereof twenty dollars, and 250 acres of land to each soldier who shall inlist during the war, or 100 acres of land to such as shall inlist for the term of three years.

11. You may inlist any apprentice or servant belonging to any person or persons whatsoever : but you shall not presume to take such apprentice or servant from the service of his master or mistress, until you have applied to three Justices of the County wherein such apprentice or servant shall reside, to ascertain the value of his time of servitude, who are to grant a certificate under their hands and seals which shall be countersigned by the Clerk of the County. And if such valuation shall amount to or exceed the bounty of thirty dollars, such bounty shall be paid to the master, mistress, or owner, of such apprentice or servant. But if the time shall be valued at a less sum, then only so much of the said bounty as shall amount to the value of the time of such apprentice or servant, and the remainder shall be paid to the apprentice or servant so enlisted, who shall be forever discharged from his apprenticeship or servitude.

12. You are, within six days after inlisting each person, to cause such recruits to take the following oath, viz. 'I do swear that I will be faithful and true to the United States, that I will serve the same to the utmost of my power in defence of the just rights of America, against all enemies whatsoever : that I will, to the utmost of my abilities, obey the lawful commands of my superior officers, agreeable to the ordinances of Congress, and the articles of war, which I have subscribed, and lay down my arms peaceably, when required so to do by the Continental Congress.' So help me God.'

13. Your recruits are to rendezvous at Kingston, where you shall keep your head-quarters. You are to make just and faithful returns to me of your success in recruiting, on the first day of July next, & thereafter on the tenth day of every month, or oftener if required, and hold yourself in readiness with officers and soldiers under your command to march at the shortest notice to join the Continental army.

14. You are hereby informed, and requested to assure the officers under your command, that in calling officers to services of honor, preference will be given to those who have been most industrious in raising recruits, and such will meet the special favour and approbation of this State, and be regarded in future promotions

Given under my hand and seal at arms at New Bern the 9th day of May, 1777.

R. CASWELL.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, May 11th 1777.

SIR:—

A few days ago I received a letter from General Nash, announcing the death of General Moore; at the same time I received some letters recommending Col. Clark for promotion in his room. But altho'. I have a very high opinion of Col. Clark as an active, vigilant, and gallant officer, I can not be satisfied that it is right for me to make a nomination so far out of the usual line, unless I have first your Excellency's assurance that it will be satisfactory to my country. Therefore I have resolved to consult you thereupon, and suspend all proceedings relative thereto, until I shall be favoured with your answer. I will beg leave also to suggest to you, that nothing but the command of my country shall make me nominate any man whose merit as a soldier is even suspected, altho' he should stand first in order; and I believe our State is too jealous of her honor, and too zealous in the common cause, to give me any such command. Truly, Sir, our affairs have suffered very much through the insufficiency of our officers, and I am one, among many in Congress, who am determined, so long as I have the honor of a seat, to keep a very strict watch over them. It shall not be my fault, if worthless drones consume the public treasure. It is but justice to, say that we have some excellent officers, and our Commander in Chief is very justly admired by all the world.

Nothing interesting has happened since my last, except the arrival of a French ship with military stores, which are exceedingly seasonable and important. In short we now only want men; and one vigorous campaign would give our affairs a very flourishing aspect. Our liberty would be established beyond all danger.

We have had no debates of any consequences in Congress except on the Confederation; all those I shall transmit you at once. It goes on very slowly, and I fear, the difficulty of preserving the independence of the States, and at the same time giving to each its proper weight in the public Council, will frustrate a Confederation. Altogether I have had so short a notice of this opportunity that I can not be full on this subject: but as I give the most dili-

gent attention to it nothing material will escape me, and you shall be fully informed.

I have the honor to be &c. your Excellency's ob't. serv't.,

THOS. BURKE.

Gov'r. Caswell.

GOV. CASWELL TO THOS. BURKE.

[From Executive Letter Book.]

NEW BERN, 13th May, 1777.

DEAR SIR:—

Your favour of the 15th ultimo. I received some days past, since which the General Assembly has adjourned to the 3d of November next, then to meet at this place. No Courts of Law are established. County Courts and Courts of Oyer are continued, upon the late plan struck out by Congress: a tax bill has passed, taxes to be raised by assessment; a further encouragement to inlisting into the Continental service of 10 dollars and 100 acres of land to those who engage for three years, and 150 acres to them who serve to the end of the war: the officers have recruiting instructions from me, and I hope the late Resolve of Congress, giving the Executive Powers in the different States control over them will have a very good effect. I informed you in my last the Assembly had directed a new Regiment to be raised under the command of Col. Sheppard; if it is put on the Continental establishment, pray inform me so soon as you can conveniently, that the officers may govern themselves accordingly. The militia law is passed: part of which, (the militia) is directed to be immediately raised for the defence of our frontiers against the incursions of the Indians. Much of the time of the Assembly was taken up in trifling matters. Three new Counties are established, part of Orange called Caswell, part of Rowan called Burke, part of Pasquotank called Camden, John Butler appointed Brig. General, instead of Thos. Person, who was more troublesome this Assembly, if possible, than formerly. Mr. Johnston and Mr. Ashe are appointed Treasurers, with a salary of £500, each. The former, I incline to think, will resign. He is far from being pleased with the conduct of the Assembly. They left out Mr. Hews in the first nomination of delegates. Mr. Penn was appointed in his stead. Mr. Hooper afterwards resigned, and Mr. Harnett was chosen. Mr.

Penn left this a few days ago. He carried a Commission appointing Delegates, agreeable to resolution of Assembly. Lest he should not arrive so soon as this letter, I inclose herewith a Commission; and lest accident may happen, I shall furnish Mr. Harnett with one, who, I suppose will set out shortly, and by whom I promise myself to write to you. By that time 'tis possible I may have an opportunity of looking over the Journals of the Assembly, and knowing what they have done. At present I am almost a stranger to it, not having received more than two or three messages from that Body, during the whole course of the session: tho' I had sent them many more. They have directed Mr. Blount's Warrant for 250,000 dollars to be cancelled; and Mr. Ashe is to draw for 25,000 more than what he had before drawn, and the remainder the Delegates are to send out. I will endeavour to furnish you with a copy of the resolve by the next opportunity.

I am &c.

R. CASWELL.

Thos. Burke Esqr.

EBEN HASARD TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, May 13th, 1777.

May it please your Excellency:

Congress having directed that a copy of their Resolve of yesterday, relating to the Post Office, should be transmitted to the Legislature of each of the United States; I take the liberty of enclosing one to your Excellency, and requesting that it may be laid before the Assembly of the State of North Carolina, at their first session after the receipt of it.

I am Your Excellency's most obedient

and very huml. serv't.,

EBEN HASARD.

Surveyor General of the Post office.

His Excellency Richard Caswell Esquire.

COL. ABRA. SHEPPARD TO GOV. CASWELL.

[From Executive Letter Book.]

15th May, 1777.

DEAR SIR:—

Capt. James Wilson waits on your Excellency for warrants on the Treasurers, and has his return with him, which he has 'listed himself twenty four and Mr. M^cCauley his Lieut. has 'listed seventeen. I should be glad that he could any ways get one hundred pounds before he left town as I could let him have about that quantity which with that sum he might make out till the time he makes his return the last of the month as I shall send down to the Treasurers his warrants with Capt. Sheppard's.

I am, Sir, your most humble serv't.,

ABRA. SHEPPARD.

Pray let him have two warrants, as what he says and his Lieut. I am very sure is true.

To His Excellency.

PETER & DANIEL MALLETT TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, 16th May, 1777.

SIR,

We wrote your Excellency a few days before the meeting of the last Assembly, acquainting your Excellency of our situation, but to our surprise we find that nothing was done by the Assembly to relieve us. We therefore think it our duty again to acquaint your Excellency that it is not in our power to furnish the Troops with provisions at the price heretofore allowed us; and unless we have some new instructions from your Excellency before the 20th June, we shall on that day decline serving out any more rations.

We are

Your Excellency's most
obed't. humble servants,

PETER & DANIEL MALLETT.

His Excellency Richard Caswell, Esq'r.

JOSEPH HEWES TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 16th May, 1777.D^r SIR:—

There are several persons now here who wish to get Commissions for armed vessels that they are fitting out. They can get good security here, but, being strangers at New Bern might meet with some difficulty there. They also complain of it as a grievance that they should be obliged to go to New Bern at the expence of ten or fifteen pounds to get Commissions. If your Excellency could send half a dozen Commissions with the instructions to Mr. Payne, with orders to him to take the proper securities, and fill up the blanks, it would save much trouble and expence to those who want them. How far this may be consistent with the mode of issuing those Commissions, I know not: but, if it can be done, it will much oblige the mercantile interest here. I have not had any late accounts from the Northward; as I have been expected there for some time past, my friends do not write to me.

I am with much respect & esteem,

D^r. Sir, Your Excellency's

most obed. & very hum. serv.

JOSEPH HEWES.

His Excellency Richard Caswell.

MICH'L. PAYNE TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON 16th May, 1777.

SIR,

Several merchants of this place are at this time fitting out armed vessels, and are desirous to have for them Letters of Marque. Should your Excellency think it consistent with propriety, and choose to intrust me with six, more or less, blank Commissions, with directions what security is necessary to be taken, you may depend it shall be done, and every order given concerning them shall pay the strictest attention to. Could this be done, it would

be encouragement to trade, as the going to where your Excellency resides must ever be attended with a considerable expence and waste of time, not to mention the difficulty obtaining the securities needful where they may be entire strangers. I have to inform your Excellency that several vessels, belonging, as they say, to the State of Virginia, have passed this port in their way to South Quay without making a report to this office. As it may be attended with many bad consequences, should be very glad to have your orders on this head: whether it would be proper for me to take notice of them or not.

I have the honor to be

your Excellency's most obed. & very H. serv^t

MICH'L. PAYNE.

His Excellency Richard Caswell.

LT. COL. HENRY IRWIN TO GOV. CASWELL.

[From Executive Letter Book.]

TARBOROUGH, 19th May, 1777.

SIR :—

I am told a young lad of the name of John Worsley, which was a drummer in the 5th Regiment, and had leave of absence from me, on the march from So. Carolina to the Northward, for a few days to call and see his mother in Newbern, and was to have joined the Regiment, either at Tarborough, or at Halifax, in the time allowed him.—that he has got his discharge by application to the Council. I do on my honor declare, (and will at any time on my oath) that last of December when I was at Newbern, his mother begged of me not to suffer him to list during the war, as he, with her consent had already listed for two years and a half,—as then he wanted to take the additional bounty and list for the time the war continued—I admitted of her request and forbid the officers listing him again for a longer time; if he has been discharged on account of any thing that related to his inlistment, there must have been fraud used, and it is a dangerous precedent to discharge soldiers when their officers are not present, as it must hurt the army much.

You'll be so obliging as to excuse what I have said on this subject.

I am, may it please your Excellency,
Your Excel'y most obed. serv.,

HENRY IRWIN.

AMBROSE RAMSEY TO GOV. CASWELL.

[From Executive Letter Book.]CHATHAM COUNTY, May 21st, 1777.

SIR:—

This will be delivered by my brother, who waits on your Excellency on some business of his own.

Mr. Isaiah Hogun is appointed Sheriff of this County, and has got your Excellency's Commission for that purpose. I hope by next opportunity to be able to transmit you the names of the militia officers. It may be also necessary to inform your Excellency that Major Surlock has accepted the Clerkship, which will necessarily vacate his seat in the General Assembly. The people are desirous that a new writ should issue for a member of the House of Commons in the room of Mr. Surlock.

I have the honor to be with great respect

Your Excellency's most hum'l serv't.,

AMBROSE RAMSEY.

His Excellency Richard Caswell.

MEJOR WM. L. DAVIDSON TO GOV. CASWELL.

[From Executive Letter Book.]MAY 22^d, 1777.

SIR:—

I received your recruiting instructions yesterday, which shall be strictly observed by the officers of the fourth Battalion, as soon as I can have them together at Headquarters; for which purpose I have sent a dispatch to each of them. But as they are in different parts of the State at this time, it will not be possible for them to parade their new recruits at Head Quarters, before the 25th day of June; so that it will not be in my power to make any return until near the 10th of the following month.

When I received orders to superintend the recruiting business I sent seven of my recruiting officers to Newbern for money for that purpose; but none were supplied but two. The others can only take up deserters, until money can be procured for them. To effect which I have sent the bearer, Lieut. Alexander, a good,

trusty man to receive and bring to Salisbury recruiting money for Capt. Phillips, Lieut. Hickman, Lieut. Cootes, and Ensign Polk; if it be your Excellency's pleasure to give him an order on the Treasurer for the same. If money should be scarce, the one half in Continental bills will answer the same purpose. I wish to know by the bearer how the officers and soldiers who are to rendezvous at Salisbury are to be paid, or whether there be any way provided for their payment. I am not a little solicitous about this matter, as I know the service to have suffered greatly for want of regular payments.

Sir,

Your Excellency's most obedient & humble servant,

WM. L. DAVIDSON, Major 4th R.

To His Excellency Richard Caswell.

Governor &c.

[FROM EXECUTIVE LETTER BOOK.]

On the above letter is the following endorsement, in the hand of Gov. Caswell.

| | | | |
|---------------------------|---|---|---|
| Capt. Phillips— | warrant in his favor for £200, issued 3d June 1777. | | |
| Lieut. Hickman— | " | " | " |
| Lieut. Cootes— | " | " | " |
| Ensign Charles Polk— | " | " | " |
| Lieut. Charles Alexander— | " | " | " |

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, May 23^d, 1777.

SIR:—

Since my last nothing has occurred worth your attention except the arrival of several supply ships, by which we have received many very important articles for facilitating the ensuing campaign. Our army is daily gaining strength, and I hope before long will be in a condition to face the enemy to some advantage. The enemy are unaccountably inactive, and cautious to the last degree. It is supposed they expect reinforcements, but we have accounts from Europe which indicate that they will in a great measure be disappointed.

I have heard from our Troops who are now under inoculation at Alexandria, in Virginia, and two hundred who have had the small pox are on their march under Cols. Sumner and Lytle. I was informed they were much in want of shoes by reason of some disappointment in your Quartermaster's department. I applied to the Clothier General for a supply for them, and General Schuyler immediately sent them under the care of an officer to meet them at Baltimore. We are alarmed with a report brought hither by a Mr. Tenant from the Southward, that some persons in North Carolina have maliciously propagated a report, that a very fatal infection disease prevails in our army, and the general belief thereof very much retards and injures the recruiting the service. I am happy in having it in my power to declare that such report is entirely groundless, and that our army is in very high health and spirits. The Congress have instituted a liberal medical arrangement, and put it under the immediate inspection of a Committee, of which I am a member. By this arrangement no diseased patients are suffered to remain in camp, nor even any wounded patients who are incapable of duty: all such are immediately removed to hospitals remote from the quarters of the healthy troops, and there are carefully attended and supplied. Proper officers are appointed to superintend and direct every thing necessary for the sick and wounded, and to make regular returns to the Medical Committee. By the last return very few appeared sick, in proportion to the numbers in service: and by every account from officers daily in this city from camp we learn that the army is very healthy. This information will enable your Excellency to refute the falsehood, and take off the evil impressions it may have made, and I am satisfied that your endeavours for so good a purpose will not be wanting. Since my last we have made no progress in the business of Confederation. A difficulty occurs, which, I fear, will be insuperable: that is how to secure to each State its separate independence, and give each its proper weight in the public Councils. So unequaled as the States are, it will be nearly impossible to effect this: and after all it is far from improbable that the only Confederation will be a defensive Alliance. Nothing of importance has been determined in Congress, except what is merely executory. I must beg leave again to complain of my receiving no information from my constituents. You will excuse my uneasi-

ness upon this account when you reflect, that, I am charged with a very important trust, to which I feel myself very unequal, and in which I am most anxiously desirous of rendering every possible service to my country: that I have been without a Colleague ever since my arrival, and in great measure uninformed in what had been previously done. To be under such circumstances, and also uninformed of any contingencies which may make any alteration in the system of my country, you will readily admit is sufficient to make me uneasy. I shall however Sir, give unremitting attention to every matter which shall come before the Great Council of which I am a member, and decide on fixed principles and clear conviction as far as my understanding is competent. I doubt not my Country will believe my intentions to be what they wish, and my endeavours shall be the best my abilities will admit. I need not repeat my wish that greater services might be rendered by some abler hand. I also beg leave to request your Excellency to inform me whether I am at liberty to return home during any time in this summer.

Some ships are in the river, and the Marine of this State are ordered down. Some of us are resolved to go down, and observe at least the conflict, if any there may be. I am called away, and therefore must conclude. Having the honor to be

Your Excellency's most obedient hum. Serv't.,

THOS. BURKE.

His Excellency Gov'r. Caswell.

P. S.

In one of my letters I believe I mentioned that Georgia was of no use in Congress but to vote with Connecticut. This was owing I believe to this circumstance, only one Delegate was then present, who is by birth a Connecticut man. Since then a Mr. Watton has given his attendance, which was before interrupted by illness: and I perceive that Georgia is now frequently divided when any question relates to Colonial politics, so that these two Delagates are of different principles or different judgments.

GOV. P. HENRY, OF VA., TO GOV. CASWELL.

[From Executive Letter Book.]

WMSBURGH, May 25th, 1777.

I beg, dear Sir, to introduce to your notice and encouragement the bearer Capt. Delaport. He is a French Gent'm who is recruiting soldiers for the services of this State. He has made some progress in that business here, and thinks there may be some of his countrymen with you who will enlist. His corps is to consist of Frenchmen, a few excepted, who promise to be respectable for order and discipline.

Your civility and furtherance to Capt. De la port in his business will be acknowledged as a favour conferred on him who has the honor to be with great regard,

Sir, your mo. ob. & very hble. serv't.,

P. HENRY.

His Excell'y. Gov'r. Caswell.

TO THOMAS BURKE ESQR. FROM GEN. NASH.

[From the Executive Letter Book.]

ALEXANDRIA May 25th 1777

DEAR SIR,

We are thus far on our March to Head Quarters and are in the hight of inoculation for the Small pox, which seems to promise very favorably, I have been only four days inoculated myself, and thus far am very well.

There is very little news from N. Carolina. Our Assembly, which was prorogued a few days before I left home, I believe has done nothing. The Courts are not opened but for Criminal prosecutions. Your Colleagues Mr. Penn, and Mr. Harnett I expect along every day. Mr. Hooper resigned his seat in Congress and Mr. Hews was left out. Col. Clarke who came by the way of Hillsboro' desires me to inform you that Mrs. Burke is well.

I shall be very glad to hear from you by the Post or any other opportunity, Mean time believe me

Dear Sir,

Your obed't and Humble Servant

F. NASH.

 COSMO MEDICI TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, May 31th, 1777.

SIR:—

In consequence of an order from Gen'l. Nash left with Col. Long for Captain Dickison to proceed to the northward with all the prisoners that is at this place: which order was in consequence of a resolution of the last Congress which sat at Halifax, wherein they ordered that the Governor should furnish Capt. Dickison with a letter of credence, also a list of the prisoners, which list your Excellency will find inclosed,—and as the said Dickison hath since resigned his commission, I am ordered to take command of them and proceed to Philadelphia, there to deliver them to the Congress—nothing detains me but your orders.— We have nothing new from the north, the last papers have not as yet come to hand.

I have, Sir, the honor of subscribing myself

Your most obedient servant.

COSMO MEDICI.

 DUN: McNICOL TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, 31st May, 1777.

SIR:—

As we are to be removed from this State I have taken the liberty to inform your Excellency that we received at the rate of two dollars per week till the 4th of April, and at the time this express returns there will be 18 dollars due to each of us, without which it is impossible for the people of my party in particular and I fancy for the other prisoners also to clear their quarters. I have this day drawn upon the Treasurer for 216 dollars for myself and party, but if there is no money in the Treasurer's hands to answer the draught, it would be necessary for us that your Excellency would order a bill upon the Continental Treasury, should be sent to us to

raise money, as I have no money myself to clear my party's Quarters.

I am &c.

Your Excellency's most humble servant,

DUN : McNICOL,

Capt. R. H. E.

To His Excellency Richard Caswell Esqr.

Governor of North Carolina.

JUDGE SAML. SPENCER TO GOV. CASWELL.

[From the Executive Letter Book.]

HALIFAX, 1st of June, 1777.

SIR:—

Inclosed herewith are sundry depositions of Edward Cornwallis Debruhl, now detained in Halifax gaol on suspicion of having been concerned in counterfeiting the current Bills of Credit of this State, taken before me on oath with the greatest secrecy that the nature of the matter would admit of. His offence was committed in the District of Edenton, and therefore not cognisable in the District of Halifax. It was likewise committed between the day of April and the ninth of May last, and the Resolve of Congress against counterfeiting the Bills which he is accused of being concerned in counterfeiting, was continued by last Congress to last session of Assembly, and no longer, and the act for continuing the same Resolve was ratified the 9th of May following. This, according to the rule formerly pursued of making the business of the whole session refer to the first day thereof, might, by a fiction of the Law against the real fact, have prevented any chasm: but according to our present constitution of admitting no retrospective Law to operate, might have been the subject of some doubt. But to waive this point, I understood that Debruhl would make some very ample discoveries of several companies concerned in counterfeiting the Bills of this State, and passing the same counterfeit money. I therefore had him brought to my room, and after passing my word to him, that if he would make a true and faithful discovery of his accomplices and others he might know to have been concerned in counterfeiting the said Bills and passing the same, I would use my interest and endeavor to obtain him indemnity for what he had

been guilty of in that respect, he deposed an oath as in the inclosed depositions. From several circumstances of his behaviour I am induced to think his information genuine. Mr. Avery and Col. Kennan seem to have the same opinion of him: and if so, his detecting such companies of confederated villains will be of infinitely more service to the State, than his single punishment would be, were the matter of his offence clear, as to time and other circumstances. I have therefore directed him to be bailed by any magistrate of this County, on his producing such securities for his good behavior, and appearance as a witness to prosecute those offenders in Wilmington District, at the next Wilmington District Court, as it is probable he may get to enter into recognisance with him: as that of Wilmington will be the first Court in course, where his testimony in that behalf will be necessary. And if he procures security, I make no doubt but he will attend at that Court as a witness, I therefore have thought it my duty to transmit these depositions to your Excellency, so as they be considered of by your Excellency and the ensuing Council of State, and such measures thereupon pursued, as may secure the bringing to justice those dangerous and pernicious pests of society. We have, notwithstanding the difficulty of procuring an attorney and clerk to act on behalf of the State, been so fortunate as to hold a Court of the Sessions of the Peace, Oyer & Terminer and General Gaol Delivery this term for the District of Halifax, and have done some business; but had but one capital trial, which was that of one William Reddock for murder. He was cleared by verdict of the jury. What by the enlargement of prisoners by the Commissioner appointed by Resolve of Assembly, and some removed to the Western Districts, this gaol will be left almost totally clear of prisoners very shortly. I hope your Excellency will excuse the want of correcting and transcribing this letter, as I have to send it off early to-morrow morning, and it is now very late at night.

I have the honor to be, Sir, with great respect,

Your Excellency's most obed. humble servant,

SAM'L. SPENCER.

Governor Caswell.

GOV. CASWELL TO NICHOLSON.

[From Executive Letter Book.]

NEWINGTON, 2d June, 1777.

DR. SIR:—

Your favor of the 31. ultimo I have just rec'd. and agreeable thereto I have sent a list of the names furnished me by Capt. Medici, certified according to order of Congress, with something like a letter of credence at foot of it. I laid this case, or rather the case of the prisoners, before the Assembly. What they did in it, I know not, as I did not receive their answer, nor have been able to procure a copy of their Journals. As I know not of their taking any further order in the matter, I have complied with the resolutions of Congress as near as I can recollect, for the Journal of that Body I have not by me at present.

I am with great esteem and regard,

Dr. sir, your most obed. servant,

R. CASWELL.

Nicholson. Esqr. Qr. M. Gen.

GOV. CASWELL TO CAPT. COSMO MEDICI.

[From Executive Letter Book.]

NEWINGTON, 2d June, 1777.

SIR:—

Herewith you will receive a list of the prisoners as ret'd by Gen. Jones certified, with the substance of a letter of credence at foot. I hope it will answer the purpose intended, and that you will deliver your prisoners safe; and also that you may arrive at head quarters in time to reap some of the laurels which in that quarter of the United States await the brave, and thereby render your country that service, which I as one of its inhabitants most ardently wish you may, as well for your own honor as her happiness.

Believe me to be, dear Capt.,

— Yr. Fr'd & obed. serv't.,

R. C.

Capt. Cosmo Medici.

GOV. CASWELL TO CAPT. DUNCAN McNICOL.

[From Executive Letter Book.]

NEWINGTON, 2^d June, 1777.

SIR:—

Your letter of the 31. ulto. I rec'd informing me of your drawing on the Treasury for 216 dollars for yourself and party, and that you are of opinion the other prisoners will stand in need of their allowance to clear the quarters. I have not the least doubt that the Treasurer will answer your draft, as well as such as may be drawn by any other of the prisoners for what may remain of their allowance from the public, especially if you send him a certificate from General Jones mentioning the sum due to each. If he has not money, he will give you bills on the Continental Treasury. If you meet with any difficulty in obtaining either the one or the other, shew this to Gen. Jones, or Mr. Willie Jones, either of whom will see the substance of it carried into execution.

I am, Sir, yr. ob. serv't.,

R. C.

Captain Duncan McNicol, Halifax.

GOV. CASWELL TO GOV. PATRICK HENRY OF VA.

[From Executive Letter Book.]

NEWINGTON, 3^d June, 1777.

SIR:—

Your favor of the 23^d ulto. I have received and rejoice to hear our affairs with the Cherokees are in a favorable train.

The Members of the General Assembly of this State, in their late session were so very desirous of getting home to their plantations at a season in which Planters in general have much to attend to, that they did not come to any resolution for appointing Commissioners to treat with the Cherokees, on so desirable a subject, at this juncture, as that of peace with that nation. It will therefore become a matter of consideration with the Council who are to assemble at New Bern the 10th instant. The members of that

Board are so remote from each other, and from the place of their meeting, that it will be impossible to convene them sooner; and, I trust, they will on the matter's being properly represented to them, advise me to appoint proper persons to represent this State at the Treaty to be held at the Great Island, the 26th instant. If they do I shall lose no time in sending out Commissioners vested with powers competent to the completion of the purposes of their appointment. After much inquiry I have at length been informed that the goods sent by your State, or at least a part of them, were carried to Wilmington in the Southern part of this State, and there lodged with the Commissary of stores for the Continental army, who, after Col. Muhlenburg's return to Virginia, delivered out a part of them to the Continental Troops raised here, and that the remainder are still in his possession. I have directed him to make a return of what goods he has so delivered out, and what remains, that either this or the United States may become chargeable to yours for them. This return is to be made at the meeting of the Council, when I will do myself the pleasure of giving you further information on this as well as on the former subject.

I have the honor to be

with great regard and esteem, Sir,

Your most humble servant,

R. CASWELL.

His Excellency Patrick Henry Esq.

Gov'r. of Virginia.

GOV. CASWELL TO MAJOR DAVIDSON.

[From Executive Letter Book.]

NEWINGTON, 3^d June, 1777.

SIR:—

Agreeable to your letter of the 22^d ultimo, I have delivered Mr. Alexander the following warrants on the Treasury: viz. one in favor of Capt. Phillips, for £200; Lieut. Hickman, £200; Lieut. Coots, £200; Ensign Polk, £200, and also one in Lieutenant's Alexander's own name for £200; making in the whole £1000; which I hope they will have success in laying out for the purpose intended. There is a Mr. Spicer, paymaster to, I think, the 2^d

Battalion, left here with my consent, on his promising to undertake to pay such of the Troops as were left here, and the new recruits. Him I expect to see at New Bern the 10th inst. when the Council is to meet, and I shall not fail to give him the necessary instructions respecting your Troops.

I am &c.

RICHARD CASWELL.

Major Davidson.

COL. JOHN WILLIAMS TO GOV. CASWELL.

[From Executive Letter Book.]

HILLSBOROUGH, 3^d June, 1777.

DEAR SIR:—

Inclos'd you have the return for my regiment. Three Captains together with their subalterns failed to appear. Your Excellency will be kind enough to direct in what manner to proceed against them for disobeying orders. Lieut. Col. Luttrell was sent back, in order to take command of the first Division that should hereafter march to the Northward, and says he would choose to march the Troops the upper road, being much the convenientest way. In that case, this is the suitablest place for the General Rendez-vous; and as the small pox is near Halifax I could wish your Excellency would direct the officers of the other Battalions to march their men here, by the first day of July. I have directed my officers, together with their recruits, deserters, and others left in this State, to rendez-vous here, on that day, and don't in the least doubt but that the 9th Regiment will be able to muster over one hundred men.

I am, dear Sir,

Your mo. ob't. h^{ble} serv't.,

JOHN WILLIAMS, Col. 9th Battalion.

Governor Caswell.

JOSEPH LEECH, RIC'D. ELLIS & ALEX. GASTON TO GOV. CASWELL.

[From Executive Letter Book.]

NEWBERN, June 4th. 1777.

DEAR SIR:—

Yesterday came to town from New River, where they put in from Martinico, on their passage to Philadelphia, to the Congress,

four officers and two sergeants, one a Col. 1 Lieut. Col. 1 Major, and one Captain, three of them are Engineers, sent from old France by Doct. Franklin and Mr. Deane, with orders to make all the dispatch they possibly could. They are very anxious of seeing you, saying they have something of consequence to communicate, and and we are very uneasy at being delayed, as they think they may be wanted in the army, they are so uneasy at staying that they were for setting off for your house, to-morrow themselves, but we told them you were expected in town Saturday or Sunday, but that did not satisfy, so that we promised to send off an express, to acquaint you of them, they expecting to see you in town to-morrow if possible.

We are with great esteem Your Excellency's most obed. humble servants,

JOSEPH LEECH.

RICH'D. ELLIS.

ALEX'R. GASTON.

AMBROSE RAMSEY, MIAL SCURLOCK, & JOHN BIRDSONG TO GOV.
CASWELL.

[From Executive Letter Book.]

CHATHAM COUNTY, June 6th 1777.

SIR:—

The bearer, Mr. Wilcox now waits on your Excellency and the Honorable the Council of State in order to have something done with respect to the Iron Works in this County. At his request we went and viewed the furnace, and find that they have made sundry preparations, but have not yet begun to blow: and we conceive that it will be some time first as there does not appear to be near sufficient quantity of coal and ore nor limestone to begin with to advantage. Mr. Mills, the Superintendent informs us that the want of labourers is the reason of this. Mr. Wilcox has made repeated applications to us to make a representation of his situation. We verily believe that he suffers greatly at present not having any way or means to support his family. Nothing less seems to satisfy him than to have his works back, agreeable to the majority of the General Assembly. We do

not pretend to judge what may be best for him, but this we are certain of, that the country is at a very great expence daily, which we think they might as well have been clear of.

We have the honor to be with great respect & esteem,

Your Excellency's most humble servants,

AMBROSE RAMSEY.

MIAL SCURLOCK.

JOHN BIRDSONG.

His Excellency Richard Caswell.

SAM. JOHNSTON ESQ., TO GOV. CASWELL

[From Executive Letter Book.]

EDENTON, 7th June, 1777.

SIR:—

Having been informed that the honorable the General Assembly have done me the honor to appoint me to the office of treasurer of the Northern District of this State for the ensuing year, I now thro. the favor of your Excellency, beg leave to return them my most sincere thanks, for this mark of their favourable sentiments of my past endeavours to serve the State. In the infancy of our glorious struggle, when the minds of many were unsettled & doubtful of the event, I joyfully accepted every appointment that was offered by my fellow citizens, and readily stood forth to give testimony of my concurrence and approbation of every measure which tends to the security of the most inestimable rights of mankind; at this period, when the Constitution of this State is happily and I flatter myself permanently established, when all doubts and apprehensions are entirely removed, and a number of Gentlemen of unquestionable integrity and abilities are ready to offer their services in every department, I most humbly request, and hope it will not be denied me by your Excellency, the favour of being permitted to decline that very honorable and lucrative appointment. The very infirm state of my health demands this sacrifice of my inclination to serve my country for the present. Should my services at any future period, be thought necessary to the State, in any department within the compass of my small abilities, I shall be ready to execute the commands of your Excellency or the General

Assembly of the State whenever I shall have the honor to receive them. Mr. Skinner, who is well known to your Excellency, does me the favour to be the bearer of this. Should you and the honorable Council approve of him to succeed me in office, I have the reason to believe that he will not disgrace your appointment. I know no man better qualified either in point of abilities or integrity to discharge the duties of that office, and no one can give more ample security.

I have the honor to be with the highest respect and esteem
Your Excellency's most obedient and very humble servant
SAM. JOHNSTON.

Gov'r. Caswell.

CAPT J. BRADLY TO GOV. CASWELL.

[Executive Letter Book.]

WILMINGTON, June the 7th, 1777.

SIR:—

I embrace this opportunity to acquaint you of my present situation, which is very disagreeable to me. My men are daily complaining for want of their money, and attempting daily to desert the company. Their duty is very hard. We have about 40 men and serjeants and all fit for duty, and eleven of them on guard every day. Without their money they will not stay. They had a subscription amongst them, and the greater part of them had signed it, before I found it out; but as it happened I stopped the mutiny. And further I have to acquaint your Excellency of the misconduct of Mr. Kingsberry, which I am very sorry for, that among so few officers there should be so many informations made. Mr. Kingsberry has left his company expressly against my orders, as I am commanding officer at present. I think it my duty to acquaint you of such behaviour. There is no officer at present but myself that is fit for duty, and I hope his Excellency will think proper to order some officer to my assistance. I take it very unkind of Mr. Kingsberry to leave me in such a situation. Since there is so much dissatisfaction among the men and officers, I would beg leave of his Excellency to resign my Commission. It was from your recommendation that I received it, and I think it my duty to acquaint

you of it; in which I return you many thanks, in hopes that you will be agreeable to my resignation. Was it not for the divisions that there is, I would think myself happy in serving the State. We expose ourselves by the divisions to the highest degree. But I am determined, let the consequences be what it will, that I suffer nothing to be transacted in the company, but what is just, and I hope His Excellency will not take any conduct amiss of me. It is generally thought that those informations that were lodged against Capt. Vance were entirely for self interest. But I hope this will be a convincing proof to eyes of every person. I am, Sir,

Your most obedient & humble servant,

J. BRADLEY.

CAPT. SIMON ALDERSON TO GOV. CASWELL.

[From Executive Letter Book]

BATH, June 8th, 1777.

MAY IT PLEASE YOUR EXCELLENCY:

I was one of the number ordered from Halifax recruiting, and exerted my utmost in that way. I have sent four recruits to head quarters, and four deserters belonging to the different Regiments. In the course of my excursions in the country, I have found out that a number of the inhabitants as well in this County, as in Hyde, have discouraged men from inlisting in the service. I have made application to the Magistrates, which I observe is invested with full power by an act of the last Assembly, to detect such villany from being carried on: But, through neglect to the printer to the Honourable House, can have no redress.

Under these circumstances, I pray your Excellency will permit me to depart from this State, to the Grand Camp, commanded by his Excellency General Washington. Your Excellency's permission will ever oblige

Your most ob't. humble servant,

SIMON ALDERSON,

Capt. 5th Reg't.

His Excellency Richard Caswell.

JNO. FORSTER ESQ TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, June 8th, 1777.

SIR :—

As the Assembly, when they were last convened, thought proper to continue me as a Commissioner for manning and fitting out for a cruise the armed Brigantine, General Washington, in this river, I very cheerfully accepted of an appointment, the execution of which would, I conceived, be so very serviceable to individuals in general, and the public in particular,—tho' at the same time I confess I expected a considerable supply of money for that purpose, or at least an immediate payment of the large sums I am already in advance for the public; but as neither has been done, (for want I believe of money in the Treasury) I have been debarred giving the assistance that my duty required in this affair, as I find it impracticable to get officers or ship men even at the great pay of ten and twelve pounds per month for sailors, without advancing something considerable to them.

It will at least require the sum of two thousand pounds for immediate and necessary supplies, without which it will be needless to attempt any thing further as to this ship. I have since my settlement at Newbern, advanced upwards of one hundred pounds, and promised the payment of one hundred and fifty pounds more,—these sums added to the balances of what accompts I have already passed will make the debts due me by the State upwards of two thousand pounds currency, which is more than my circumstances will admit the want of. I can't but express my surprise, and with reluctance I do it,—that by Resolve of Assembly I find an assistance is given the Pennsylvania Farmer and King Taminy, of which the Washington is utterly deprived,—that is,—the Captains of the Independent Companies are ordered from time to time to supply the two former vessels with men from their respective companies, until the Commissioners shall be enabled to ship a sufficient number of men for the use of those ships,—tho' we are not allowed the protection of Independent Companies in this quarter of the State, yet I presume it is almost needless to say to your Honor and the Council, that an Artillery Company, (as idle perhaps as the Independents may be), are stationed here, out of which the Washington

might receive such number of men, as would be of utility to the public in that station. From those circumstances, I dare say, you, on reflection, will not blame me for declining an undertaking, (should not those difficulties be removed) that will neither serve the public, or reflect the least spark of honor on me as a servant of the people.

With the utmost respect I am

Your Honor's most obt. humble servant,

JNO. FORSTER.

The Hon'ble. Rich'd. Caswell Esqr.

MR. MICHAEL ROGERS TO GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

8th June 1777

SIR

The Bearer hereof Mr. William Sullivan Tells me he is about to apply to you Something Relative the Management of the Estate of James Lee Deceased of Edgecomb County. I shall only Inform you that Mr. Sullivan is a Gentleman whose word may be Depended upon. Mr. Sullivan is a Nigh Neighbor of mine and am well Acquainted with him.

I am Sir

Your Excellency's Most Obed.

& very Humb. Servt.

MICH. ROGERS

LE CHEVALIER D'ERFORD TO GOV. CASWELL.

[From Executive Letter Book.]

SIR:—

We are just arrived in this place three officers of the Corps Royal of Engineers: (*genie*) in France, that is to say one Lieutenant Colonel, one Major, one Captain of the Corps Royal of the Artillery of France, one Lieutenant, two Sergeants, now engaged in the Continental Service by Dr. Franklin and Mr. Deane deputy of the gen-

eral Congress at the Court of France: the vessel now lying at New River, freighted at the expence of the Congress, which vessel as well as cargo is directed to Edenton; this is therefore to give you notice, in hopes, Sir, that you will give all necessary orders for our being furnished with the means of repairing as soon as possible to Philadelphia, where we are expected. We should have given you notice sooner, but that we made sure you had heard of our arrival. We should be loth to lose time on so pressing an occasion.

I am your most obedient and very humble servant,

LE CHL. D'ERFORD.

Lieutenant Colonel

au Corps Royal Ingenieurs.

His Excellency the Governor
Richard Caswell.

GOV. CASWELL TO GOV. HENRY.

[From Executive Letter Book.]

NEW BERN, 10th June, 1777.

SIR:—

A few days ago arrived in this State a small vessel from France, in which came passengers four French Gentlemen, who sustained the following offices in France, to wit, one Lieut. Col., one Major and two Captains. They have two Serjeants with them, and were employed by Doct. Franklin and Mr. Deane to come over to N^o. America and enter into the Continental service. They have been furnished here with horses, carriages and other necessities to enable them to prosecute their journey from hence to Philadelphia. I have advised them to wait on you in their way, and informed them, if they shall want further assistance, they will readily obtain it by applying to you.

The Council is to meet this day on the subject of the Indian Treaty; the determination we come to I will do myself the honor to acquaint you with in a few days.

With the greatest respect, I am, Sir,

Your most obedient and very humble servant.

RICHARD CASWELL.

His Excellency Gov'r. Henry.

GOV. CASWELL TO DR. BURKE.

[FROM EXECUTIVE LETTER BOOK.]

NEW BERN, 10th June, 1777.

DEAR SIR:

I have had the pleasure of receiving sundry letters from you lately: the last was of the 11th ult. At present I have not time to make any observations on the accounts they contain, and shall content myself with barely answering that part relative to the Brigadier General.

I entertain the favorable sentiments which you express of Col. Clark, and think him worthy of the appointment; but at the same time, will by no means assure you that it will be satisfactory to your country. Its sense can not be obtained until the meeting of the General Assembly, which now stands adjourned to the 3^d of November. In the mean time it will be necessary, no doubt to, make the appointment; and as the Gentlemen who may be candidates will all be up with the Troops, the Congress will be better able to determine who is best qualified for the office. A few days ago arrived in this State from France a lieut. Col., a Major, and two Captains, and two Serjeants, employed by the Commissioners for the United States at that Court. I have furnished them with carriage, horses, attendants, and money to enable them to prosecute their journey to Philadelphia. When I got an account of the whole expence, I intended drawing a bill on the Continental Treasury for the amount. You will therefore be pleased to obtain an order of Congress for payment of such draft on its arrival at the Treasury. I do not learn that Mr. Harnett has set out for Congress. No doubt Mr. Penn is there, and carried with him the necessary papers to obtain the money from the Treasury, to be sent here. For God's sake let it be sent out with the greatest dispatch. The officers left here to recruit can do nothing without money. I have given them warrants on the Treasury, while some of them have been furnished with bills on the Continental Treasury, which they cannot get money for. Of course that very essential service is nearly at a stand. Col. Sheppard's officers, by making use of their own and borrowing money from their friends, I believe will be able to recruit the 300 men agreeable to the Resolve of Con-

gress. I must therefore request you will be pleased to give me as early notice as possible, if that Battalion is to be taken into the service of the Continent, and considered as the 10th North Carolina Regiment, that I may pursue the necessary measures for sending them on. The French Gentlemen are very anxious to go on, and are now waiting on me. I therefore defer saying more till next opportunity.

Dear Sir, I am, with the greatest esteem and regard
your obedient Serv't.,

RICHARD CASWELL.

to Dr. Burke.

GOV. CASWELL TO DR. BURKE.

[From Executive Letter Book.]

NEW BERN 11th June 1777.

DR. SIR:—

I yesterday did myself the honor of writing to you by Monsr. Le Chl. D'Erford, a French officer sent over by Dr. Franklin with five others in the service of the States, who all set out the same day for Congress. I informed you I had furnished them with horses, carriages, and cash, and that when I got an account of the whole, I would transmit the same to you to be laid before Congress, and that I should draw on the Continental Treasury for the amount. Mr. Richard Ellis of this town undertook to furnish them, and having an opportunity of disposing of bills has prevailed on me to draw in his favor for 700 dollars in part of those expenses, and also in favor of Messrs Arrell, Copper, and Arrell for 140 dollars. These drafts will be sent on with this letter, I imagine, and therefore request you will on receipt thereof make application to Congress for an order that they be discharged. The whole account I promise to transmit you, so soon as I am furnished with it, with the necessary vouchers. Mr. Harnett, I hear, is expected to town to-night, in his way to Congress: by him I expect to write.—

The Council is sitting here,—nothing worth writing now occurs.

I am with the greatest esteem and regard,

Dear Sir, your most obedient servant.

R. CASWELL.

The Hon. Thos. Burke.

 GOV. CASWELL TO PRESIDENT RUTLEDGE OF S. C.

[From Executive Letter Book.]

NEW BERN, 11th June, 1777.

DEAR SIR:—

A few days ago I received your letter respecting the provisions purchased by Colonel William Kennan. Such as are within this State I shall particularly attend to, and pursue the measures you were pleased to recommend. The Council of State have this day recommended to me the appointment of Commissioners to be ve'ted with competent powers to act on the part and behalf of this State in conjunction with y^r. Com^{rs}. appointed by the State of S^c. Car. and Virginia, or either of them, in establishing a peace and fixing a boundary line between the Cherokees and white people; and in pursuance thereof I shall issue a Commission to proper persons, and give them instructions to attend at the Long Island on Holston the 26th inst., if practicable; this being the time and place appointed by the State of Virginia, as I have been informed by Governor Henry. This will be delivered to your Excellency by Doct^r. William Savage, a Gentⁿ. of great merit and friend to American freedom. Permit me to introduce him to your acquaintance, which I take the liberty to do, Sir, from a full conviction that he is of indubitable credit, and will entertain a proper sense of your good affairs, and evince that he is deserving of confidence. I have the honor to be with the greatest respect and esteem,

Dear Sir your most obedt humble servt.,

RICHARD CASWELL.

President Rutledge.

 GOV. CASWELL TO COL. SHEPPARD.

[From Executive Letter Book.]

NEW BERN 16th June, 1777.

DR. SIR:—

Agreeable to your request I have given Capt. Wilson two warrants on the Treasurer for £200 each, and I have furnished him in bills with £100 out of my own pocket, (which 'tis likely I may

want) merely to serve the cause. That sum on your messenger's return from the Treasury I must have again if possible. I am much pleased with Capt. Wilson. I think he will make a brave officer. Give him and your other officers all the encouragement you can. They shall have all the time circumstances will admit of to complete their companies. I have many reasons to wish this regiment full, which I need not repeat to you who know them so well.

I am, Dr. Sir,

Your obed. s't.,

R. C.

C^{ol}. Sheppard.

RICHARD PETERS TO GOV. CASWELL.

[From Executive Letter Book.]

WAR OFFICE, June 16th 1777.

SIR:—

By order of the Board of War I have the honour of inclosing you two Resolves of Congress, to the latter whereof, I would particularly request your immediate attention, as great inconveniences daily arise from the lists of the army not being completely returned. You will be pleased also to render an account to the Board of all monies expended on account of prisoners of war, and sums paid to them. You will be pleased to be very exact in the account, and see that no charges are omitted, as the enemy are rigidly accurate in their charges against the States, on account of prisoners. All sums omitted will be lost by the State wherein the charge was neglected to be made.

I have the honour to be

Your very obed. Serv't.,

RICHARD PETERS,

Sec'y.

His Excellency Gov. Caswell.

ISAAC GUION TO GOV. CASWELL.

[From Executive Letter Book.]

WITTOCK, 16th June, 1777.

DEAR SIR:—

I have been prevented from waiting on your Excellency (by accident) on my way Northward, and am informed your stay will be short in New Bern, and am afraid shall be deprived the pleasure of seeing you. I therefore shall be glad to bear any commands you may have, if you will please to leave at Mr. Cogdell's; also shall be glad to be informed how I am to be supplied with money, for the pay of the 9th Regiment. I expect to be on my march in 8 days.

I am, dear Sir. with much respect,
Your obd't. hble serv't.,

ISAAC GUION.

His Excellency Richard Caswell.

P. S. I wrote y^r. Excellency some time ago, when you was in the country, requesting that Ste. Lee might be admitted a pupil under the tuition of Mr. Sprott.

GOV. CASWELL TO GOV. HENRY, OF VA.

[From Executive Letter Book.]

NEW BERN, 17th June 1777.

SIR:—

Commissioners have been appointed by this State to cooperate with the Commissioners of Virginia and S^c. Carolina, or either of them, in bringing about a pacification with the Cherokee Indians, and also to fix a boundary line between the said Indians and the white people, and are directed to attend at the Great Island on Holston the 26th inst. I do myself the honor to inclose you a return made me by the Commissary of Stores, by which it appears that a great part of the goods sent out for Col. Muhlenburg's Regiment have been made use of in this State for the Continental Troops. Will it be agreeable to the State of Virginia, that the remainder should be applied to that purpose? If it will, be so

obliging as to inform, and direct that I may be furnished with an account of the price of those articles.

With great regard & esteem, I am, Sir,

Your most obed. humble serv't.,

RICHARD CASWELL.

His Excellency Gov. Henry.

JOSEPH JONES & JAS. FEREBEE TO GOV. CASWELL.

[From Executive Letter Book.]

CAMDEN, June 17th, 1777.

SIR:—

In the return of the list of Magistrates for this County Mr. Joseph Jones was omitted to be returned, who was then unwell, and could not attend the House of Assembly at that time. He and his neighbours are desirous he should act in that capacity, being very convenient to a large number of the inhabitants. Should you have it in your power to send out a new commission, and add Mr. Jones to it, it will be very agreeable to his neighbours. He claims the first place in the Commission, as he was turned out by Governor Tryon to answer the purpose of forcing a Clerk upon the County of Pasquotank, and is now the oldest magistrate that was then in the Commission, by which Commission the last was regulated. Mr. William Burgess waits on you for the Commission, in case you find it convenient to send one, the one we have shall be taken good care of, and returned, if necessary, into the Secretary's Office. The name of the County was left out in one place in the first Commission, which perhaps may add to the legality of sending another.

We are, Sir, your very humble servants,

JOSEPH JONES.

JAMES FEREBEE.

His Excellency Richard Caswell.

GOV. CASWELL TO DR. BURKE.

[From Executive Letter Book.]

NEW BERN, 17th June, 1777.

DEAR SIR:—

Your favor of the 23^d ult. I received last evening, per post, and acknowledge my obligations to you for the intelligence you give me of public matters. The malicious report of an infectious disease prevailing in the army has not been propagated in this part of the country, at least it never reached me: among all the difficulties started that has never been mentioned to me: indeed the principal difficulty is want of money. Let me entreat you once more to remove that. Mr. Penn left this early in May, and I had flattered myself ere this the money from the Continental Treasury would have been sent in, but a few days ago I received information by Col. W^m. Taylor, who came here to attend the Council, that he left Granville scarcely a fortnight ago with an intention of going to Congress. Mr. Harnett, I hear, crossed Neuse about a week past, on his way, so that I presume North Carolina in a few days will be fully represented. And in that case, I am authorised by advice of the Council to inform you that you are at liberty in the course of the summer to visit your family: at the same time, we wish you to make as short a stay as circumstances will admit of. The recruiting business still goes on slowly, owing to the want of money, as above hinted. I have ordered the officers, with their recruits, deserters, and late invalids, to attend at Halifax the 10th day of July, in order to march, if required, to join the principal army: and at the same time promised pardon to all deserters who shall then join their respective corps, and directed a Court of Enquiry when all those who have left the army without discharges, who can make it appear they are entitled to discharges, shall have them. These things I hope will have some good effect. The General Assembly have resolved to recommend it to the Congress to put the Artillery Company on the Continental Establishment. They have about 40 or 50 men enlisted for three years, or during the war. If it is thought convenient to put that Company, as well as the Regiment now raising by Colonel Sheppard, on the Continental Establishment, I submit to Congress if it will not be prudent to join that company to Sheppard's Battalion, and order them

on. I know it will be very agreeable to the officers to serve together. Col. Sheppard has till the 1st July to raise men. If he effects it, they are to draw pay—officers from the date of Commissions, and recruits from the time of enlistment. They have, by one means or other, been able to procure money. I have received returns from 5 of the Capts. who have already enlisted 183 men, and am told the other 3 go on pretty briskly, so that I have not the least doubt but that the 300 men will be made out by the 1st July: indeed I am inclined to think that if the Regiment is not ordered directly on, that by September they will be complete, if money is sent out sufficient to answer the good purposes of recruiting. I enclose a copy of the Resolve respecting the Artillery Company.

Under cover of this you will receive a letter for Capt. Caswell, my son, who left Port Royal just out of the small pox the 30th ult., and I presume by this time he is in the Jerseys. Shall I beg the favor to forward this and such other letter as I shall enclose to you for him, to the camp where he may serve: and also forward to me such letters as you may receive from him for me. I have advised him to send his letters for me under cover to you, to advise with you in any matters in which he may be at a loss, or is immediately concerned in himself.

Your good offices to him will be gratefully acknowledged by,

Dear Sir, Your most obed. serv't.,

RICHARD CASWELL.

Doctor Burke.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, June 18th, 1777.

D^r. SIR:—

Having just heard of an opportunity, I enclose you the Resolution of Congress relative to Col. Sheppard's Battalion. I have written a letter which I have left at my lodgings, and have not now an opportunity of getting it, but I think it right to take advantage of the present conveyance for communicating to you the

Resolution. You may expect the other by post, meantime, having not one instant more time.

I am with respect

Your obed. serv't.,

THOS. BURKE.

Gov'r. Caswell.

THOS. HINES TO GOV. CASWELL.

[From Executive Letter Book.]

WAKE COUNTY, 24th June, 1777.

TO HIS EXCELLENCY, RICHARD CASWELL ESQ.

DR. SIR:—

I beg leave to return your Excellency sincere thanks for the honour conferred on me in granting me the Lieut. Col.'s Commission of the Wake Regiment of Militia; and was I disposed to act in a military office, it would give me great pleasure to serve under so worthy a commander as your Excellency. But being conscious of my own inability, and the little experience I've had in a military life, I think it my duty to resign the Commission, hoping your Excellency will not take it amiss, nor think it's from a disaffection to the cause in dispute, or your Excellency: for I do affirm there is no man readier, at all times, to do anything in their power for the good of the State, than myself, and I'm sure there is nothing could give me more pleasure than to oblige your Excellency in any thing that's in my power.

I am with regard,

Dear Sir,

Your ob't. hu^{bl}. Servt.,

THOS. HINES.

PRESIDENT J. RUTLEDGE, OF S. C., TO GOV. CASWELL.

[From Executive Letter Book.]

CHA'ST'N, June 25th, 1777.

DR. SIR:—

The Marquis de la Fayette, nephew to the French ambassador to the Court of Great Britain, and Baron de Kalb, who were bound

to Phil'a. in order to join the army under General Washington, the former in the character of a volunteer, and the latter of a General officer, having, with several officers and gentlemen of their suite, put into this port, whence they proceed by land, occasions my troubling you with this, to introduce them to your notice, being persuaded that they will receive from you, en passant, such civilities as foreigners of distinction may expect.

I am &c.,

J. RUTLEDGE.

Gov. Caswell.

JOHN PENN TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA June 26th 1777.

DEAR SIR :—

In my way to this place I was informed that salt sold in Maryland for 20 dollars a bushel, there are a considerable number of merchants in this and that State that make it their business, to buy up all the necessaries of life in order to fix what price they please afterwards. I suspect some of that tribe will be soon in No. Carolina to engrass all our salt and other things, would it not be proper to keep a look out and prevent if possible such a pernicious practice: General Howe has left Brunswick in a very precipitate manner, our Troops are in pursnit of the fugitives and we are not without some hopes that they will be able to prevent our enemies getting out of the State of Jersey but with loss and disgrace. General Washington suspects that the willingness with which the militia turned out to oppose Howe was one reason for his wishing to get back to New York. The people here have agreed to postpone all their private disputes about their form of Government &c. &c. until the enemies of America are subdued, and it seems are now ready to turn out. Every thing near this looks well.

I am

with the greatest esteem and respect,

Dear Sir, your very ob't. serv't.,

JOHN PENN.

TO DR. THOMAS BURKE, FROM SAM. JOHNSTON, ESQR.

[From Executive Letter Book.]

EDENTON, June 26th 1777.

DEAR SIR,

I wrote a Letter which should have gone by Mr. Hewes, but by some means it was forgot. As you will see him, your loss of the letter will be of little consequence.

I have had an opportunity of seeing an experiment of the new Legislature, and am as little pleased with it in practice as I was formerly in Theory and am still of opinion, that though your plan might, for aught I know, be well adapted to the government of a numerous, cultivated people, it will by no means be attended with these salutary ends which were in the contemplation of its framers. The few good men or men of understanding, and business who had inclination or interest to be either of the Legislative or Executive Departments are by no means sufficient to counterbalance the fools and knaves, who by their low Arts have worked themselves into the good graces of the populace. When I tell you that I saw with indignation such men as G-th, R-d, T-s, P-S-N, and your Colleague J. Penn, with a few others of the same stamp, principle leaders in both houses, you will not expect that any thing good or great should proceed from the counsels of men of such narrow, contracted principle, supported by the most contemptable abilities. Hewes was supplanted of his seat in Congress by the most insidious arts and glaring falsehoods, and Hooper, though no competitor appeared to oppose him, lost a great number of votes. Quince for no crime alleged against him, but that he was a man of fortune, was turned out of his appointment of Naval Officer of Port Brunswick, which was filled by a stripling. Persons are recommended as Judges of the Court of Oyer and Terminer in this District, who are scarcely qualified to execute the most inconsiderable Office in the State. The one who is best qualified and was formerly Deputy in the Clerk's Office, has too much modesty to act, conscious of his Incapacity.

I give these as only a few specimens of the hopeful beginning of our new government, omitting to mention a number of acts, which in my opinion are extremely impolitic and ill judged at this time

The event will show whether I am mistaken. I wish to God I may be. I have resigned my Office of Treasurer of the Northern District and am succeeded by Col. Skinner of Perquimmons County, but though I am now out of Office and totally abstracted from all political concerns, it will always give me pleasure to hear from you.

Please make my compliments to Harnett, who I expect will be with you before this, and believe me with the most sincere respect and esteem

Dear Sir,
Your most obedient servant,
SAM. JOHNSTON.

FRANCIS BRICE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, June 29th, 1777.

SIR:—

The Commissary's business calling Mr. Craike's attendance to some other part of the State, he thought proper to acquaint me with the Resolve of the Council for the removal of the military stores to Point Pleasant, desiring that I wd see it done;—I should have received infinite satisfaction in being the executor of a Resolve so manifestly necessary for the security of the stores—the first step I thought shd be taken was to inform myself, if a sufficient number of invalids were here to constitute a proper guard, on finding there was not, I then applied to Captn. Vance, to know if a guard could be procured from the artillery, who told me the company at that time (yesterday only) had so few men it was impossible for him to supply the number necessary for the occasion, without taking away the sentries at the upper battery and the store where the clothing is kept, the only invalid being buried two days before my application.— From those circumstances I have declined removing the stores, till your Excellency can point out some method by which a guard may be obtained, as without it the safety of them would be more precarious than where they 'now are, tho' we are well informed of three vessels of force being over our bar. The defence-

less state of this river, makes the present situation of the stores very dangerous, and ought to be a matter of serious consideration.

Most respectfully I am

Your Exce'lency's most ob't H'ble. Servant,

FRANCIS BRICE.

His Excellency Richard Caswell.

JOSEPH LEECH & JOSHUA HEMPSTED TO GOV. CASWELL.

[From Executive Letter Book.]

NEW BERN, June 30th 1777.

SIR:—

The bearer Mr. Robert Turner hath been out in the service of his country as Captain of Marines on board the Brig Pennsylvania Farmer and hath always behaved himself well in his station, and tells me he hath the offer of a Lieutenancy in Col. Sheppard's Regiment, which if not already filled up, take the liberty of recommending him to your Excellency for said Commission as I think he will fully answer the expectations of his country.

I am your Excellency's most obedient hum. Serv't.,

JOSEPH LEECH.

JOSHUA HEMPSTED.

His Excellency Richard Caswell.

MAJOR WILLIAM L. DAVIDSON TO GOV. CASWELL.

[From Executive Letter Book.]

HEAD QUARTERS, Salisbury, July ye 2^d, 1777.

SIR:—

In compliance with your Excellency's orders I have sent you a return of the part of the 4th Battalion now present. There was four Captains and eight subalterns of the 4th Regiment left in this State for this purpose of recruiting; you will find by the return that only two Capt's and three subalterns have appeared with their recruits. It is now three days since the time appointed to meet which could not be effected sooner on account of the circumstances

mentioned in my letter by Mr. Alexander. I expect the other officers every day but have reason to fear that their success has not been good. The chief of the returned recruits were raised in Rowan Co. and I imagine that the business would go on with pretty good success, could recruiting money be procured. I have appointed a Commissary to victual the Battalion while we remain here so that the greatest difficulty we labour under at present is the want of a paymaster, as the greatest part of the soldiers have received but a part of their bounty. I am afraid of being blamed for not having the recruits paraded at quarters before this time; but beg to have it considered that I had recruiting instructions to send to officers in the most distant parts of the State after they come to my hand. The recruiting service and the discipline of the Troops shall be strictly attended to.

I am, Sir,

Your Excellency's most obedient and humble servant,

WILLM. L. DAVIDSON,

Major 4th R.

To His Excellency Richard Caswell, Governor and Commander in chief of the State of North Carolina.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, June 27th, 1777.

DR. SIR:—

I have at present time to do little more than inclose you the paper which contains a letter from General Washington shewing the position of each army, and giving some particulars relative to the enemy's retreat from Brunswick. I wrote to you last post, and by a man who went home last week inclosed you all the intelligence which has occurred since the opening of the campaign—I also inclosed the Resolution of Congress relative to Col. Sheppard, and I hope you have received them all. I sent a duplicate of the Resolution for fear of miscarriage.—its substance is that Col. Sheppard's Battallion is received on the Continental Establishment, on the terms stipulated by the Assembly, and ordered, so soon as his three hundred privates are raised, to join the General without delay,

leaving proper officers to finish the recruiting. The campaign has an auspicious dawning, and I hope will set with great and happy lustre. Give me leave Sir to congratulate you thereon, every post shall be charged with such parts of the progress our arms as can be learned. At present Sir I must bid you adieu.

Having the honor to be your Excellency's very ob't. Ser't.,

THOS. BURKE.

Gov'r. Caswell.

This goes by an opportunity to Charleston Enclosed are all the papers containing any intelligence—by another opportunity in a few days I will write again. July 3^d 1777.

GOV. CASWELL TO PRESIDENT RUTLEDGE.

[From Executive Letter Book.]

NEW BERN, 3^d, July, 1777.

DR. SIR:—

The bearer Major De La Port, a French Gentleman in the service of the United States of America appointed in the State of Virginia, comes well recommended to me by the Governor of that State. He is on the business of recruiting, has been somewhat successful here. From his assiduity and conduct I am inclined to think he will answer the purpose of his appointment. He has enlisted six men in this place and sent them on to join his party in Virginia, thinks he may be able to raise some recruits from among his countrymen in Charlestown for which place he is now setting out. This Sir is to introduce him to your Excellency and I flatter myself he will meet with such countenance from you as his conduct and the importance of his employment may deserve. He calls himself Major, but is recommended to me as Captain.

I have the honour to be with the greatest respect and esteem,

Dr. Sir, your &c.

RICHARD CASWELL.

Pres't. Rutledge.

S. Carolina.

 GOV. CASWELL TO JOHN ASHE ESQ.

 [From Executive Letter Book.]
NEW BERN, 3^d July, 1777

DEAR SIR:—

The bearer Major De La Port a French Gentleman in the service of the United States of America appointed in Virginia, has been by permission, some few days recruiting here and is now about to proceed to Charles Town whére he expects to raise some recruits from among his countrymen. He is apprehensive he may be short of cash and requested he may be supplied, I therefore request the favor of you to furnish him on account of the State of Virginia with fifty pounds this currency. I have not the least doubt but it will be agreeable to the General Assembly, especially as we have an acct. with that State for materials furnished the Gallies building by them in this State, and have to acc't with them for articles sent out here for Muhlenburg's Regiment which have been applied to the use of our Troops

I am with great respect and esteem,

Dr. Sir yours &c.

John Ashe Esq.

 GOV. CASWELL TO WILLIAM WILKINSON AND OTHERS.

 [From Executive Letter Book.]
NEW BERN, 3^d July, 1777.

GENTLEMEN:—

The bearer Major De La Port a French Gentlemen in the service of the United States of America appointed by the State of Virginia is, by permission, recruiting in this State, as he comes well recommended to me, and his assiduity and conduct here has been such as to induce me to believe him to be a Gentleman of merit and abilities I take the liberty to recommend him as such to you, not doubting he will meet your countenance and assistance in the business of recruiting. Any civilities you are pleased to show this Gentleman will be conferring an obligation on Gentlemen.

Yours &c.

RICHARD CESWELL.

To John Ancrum &
 William Wilkinson Esq^r. &
 to the other Magistrates, Wilmington.

JOHN EASTON TO GOV. CASWELL.

[From Executive Letter Book.]

BEAUFORT, y^e 4th July, 1777.

SIR:—

The 2 Independent Companies which I am paymaster to has received from your Excellency no pay since the money I received from your Excellency at Halifax which paid them up to the first of December. I have got bills to £1000 am't but have not as yet sold them; there is at this time due them exclusive that sum for 6mo. pay which at £500 per month as the 2 Companies am't nearly to that sum makes a sum of £3000 now due. If your Excellency should think it consistent should be glad of a warrant for about £3500 as I would willingly pay them off and the commissions will swell the am't some. Mr. Gibble waits on your Excellency for that purpose.

We have had expectations of your Excellency's paying us a visit, should be happy in endeavoring to make the time agreeable while here. Pure air and plenty of fish we have still to boast of.

I am with due regard your Excellency's obed. serv't.,

JOHN EASTON.

To His Excellency the Governor.

J. G. BLOUNT TO GOV. CASWELL.

[From Executive Letter Book.]

CONTENTNEY, July 5th, 1777.

SIR:—

I was yesterday informed by Col. Robert Salter who left Tarborough that morning that Col. William Williams was out there on some business and had received an express from Mr. Whitmil Hill informing him of a traitorous conspiracy formed mostly in Martin and the adjacent Counties but more or less in almost every County from North to South of the State. They were at some certain night to fall on and assassinate all the leading men. The discovery was made by some person whom they had lately taken up and examined, and it is generally believed there are some prin-

cipal persons concerned in their horrid plan. If so it's more than probable they are acquainted with the unguarded situation of the magazine of this State and will make an attempt to destroy it. I beg leave to observe your Excellency that I think the Artillery Company at Wilmington are quite insufficient even with the greatest diligence to the task of guarding the two forts, magazines, &c. I am with respect your Excellency's hum'ble ser'vt.

J. G. BLOUNT.

His Excellency Richard Caswell.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Book.]

PHILADELPHIA, July 5th, 1777.

DR. SIR:—

Your several favours of the 10th & 11th ulto. have come to hand, and you may rely on my best attention to all your commands.

Mr. Penn is arrived, and has brought the papers necessary for obtaining the money, but the Treasury being very nearly exhausted of all former emissions I fear we must wait sometime before we can procure a sum from one lately voted, adequate to the demand. We have however obtained an order of the Treasury for three hundred thousand dollars to be delivered at Baltimore where the press and Signers are, and the Board of War are properly instructed to forward it without delay. I observe the Resolve of the Assembly directs the Delegates to send forward 250,000, dollars and the residue of the 500,000 not drawn for under this Resolve, or previous thereto.

These difficulties occur. Are the 250,000 to be considered as part of the 500,000, or are they to be an additional demand? Are the Delegates to send this money at the risque of the State, and not in the usual way under the direction of the Board of War? The latter I can not think to have been intended by the Assembly, and therefore I have ventured to advise its being sent at the risque of the Continent in the usual way. In this Mr. Penn concurs with me. The former question I can not decide upon, but until it

is more clearly expressed must suppose it is intended as part of the 500,000 dollars.

We know not what sums have been drawn for by the Treasurers. Mr. Johnston did indeed always advise me of his draughts, but Mr. Ashe did not, and want of information on this head obliges me to retain two hundred thousand dollars to be applied in payment of all the bills drawn heretofore by the Treasurers. I perceive Mr. Penn has a bill from Mr. Ash in his own favour for sixty odd thousand dollars, on what account this is, I know not, or under what authority Mr. Ash has drawn it. But I shall take no notice of it as a public transaction until I see some Resolution of the Assembly which gave rise to it. Your bill in favor of Mr. Ellis has been paid, the others are not yet arrived. Nothing material has happened since I wrote you last, except the celebration of the fourth of July (the anniversary of the declaration of Independence). You will see it at large in the enclosed paper; but the one thing is remarkable; this day, and the 28th of June, memorable for the defence of Sullivan's Island, were both celebrated here, and at both a Hessian band of music which were taken at Princeton performed very delightfully, the pleasure being not a little heightened by the reflection that they were hired by the British Court for purposes very different from those to which they were applied. July 7th. This moment I received yours of 17th ulto. by post inclosing the Resolution of Assembly, and a letter to Captain Caswell. Our Troops are encamped within a mile of this city, and General Nash lodges in the same house with me. I have not seen Captain Caswell, nor did I know until I received yours, that he was in the army, I shall immediately send to him, and hope to have the pleasure of his company to-morrow to dinner,—be assured, Sir, it will give me the greatest pleasure to attend to him, & render him every service in my power. I shall, Sir, observe your commands relative to him with a friendly solicitude. The Resolution of the Assembly shall be laid before Congress, and you shall know the result. I thank you, Sir, for yr attention to my private inconveniences manifested in the permission you give me to return to my family. I shall avail myself thereof as soon as I can assure myself that it can be done without injury to the public business. I shall

write you again by the next post, or opportunity, and meantime have the honor to be

with the greatest respect and esteem,

Your Excellency's most obedt. serv't.,

THOS. BURKE.

I take the liberty of inclosing you two letters, which I beg the favor of you to forward.

Governor Caswell.

JACOB BLOUNT TO GOV. CASWELL.

[From Executive Letter Book.]

CONTENTNEY, July 6th, 1777.

DEAR SIR:—

You will receive a letter by the bearer George from my son John who came from Col. Salter's last evening informing you of a most bloody plan supposed to be laid by some of the enemies of America:—as to particulars I refer you to his letter. It doth not remain a doubt with me but that there is some persons of note concerned in this horrid plan. If that should be the case, they will certainly make an attempt on our public magazine the first thing if it is not well guarded. I hope, Sr., you will take care of yourself. I should have done myself the honor to have waited on you myself, but my family being all down with the flux, I could not by any means leave them. Mr. James Harvey lies extremely ill with it. I despair of his ever recovering. Mrs. Blount, Mrs. Harvey, and Ned Baker is extremely ill with it now. Upwards of twenty of my negroes hath had it. from, Sir,

Your most ob't Serv't.,

JACOB BLOUNT.

His Excellency Richard Caswell

MAJOR J. B. ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, 6th July, 1777.

SIR:—

The Bearer, Lient. Joseph Richardson waits on your Excellency to procure a draught on the Treasury, for whatever sum your Excellency thinks proper, for the purpose of recruiting.

I am your Excellency's very obdt. & very hble. serv't.

J. B. ASHE.

Governor Caswell.

JOHN PENN TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADA., July 6th, 1777.

DEAR SIR:—

It is with great concern that I inform you we have not been able to send off the money for our State yet. Doctor Burke and myself have done everything we could to procure it, knowing what pressing demands you have, and the necessity there is for using dispatch; there was very little money in the Treasury when I got here, and one or the other of us has been almost every day at the Treasury Board. I am in hopes we shall be able to dispatch 300,000 dollars in two or three days, you may depend that nothing on our part will be wanting. The money is chiefly raised in this and the Eastern States by way of the Loan Offices. General Howe after having made a variety of manoeuvres and finding that Gen. Washington would not give up his strong post, went over to Staten Island, and soon after sailed with his Troops towards New York. It is supposed that he intends by way of the No. River to form a junction with Burgoyne if possible. General Washington did not incline to risque a battle on equal terms, nor was Gen. Howe willing to attack our army on the hills, or to march far this way, & leave our Troops behind him. It is out of my power to tell you how many soldiers are in either army, ours is said to be increasing. The Brigades sent after the enemy had frequent skirmishes, tho' nothing of great consequence was done.

We have nothing new from Europe lately. Mr. Lee one of the Embassadors is gone to Madrid. I informed you some time ago, how dear salt was in Maryland and this State, owing to a few persons purchasing it up, and that I suspected endeavours would be made by some of them to engage all that useful article with us. In order that your Excellency might if possible put a stop to such a mischievous practice, should it be attempted, I mention it again for fear the letter may have miscarried. I am with the greatest respect

Your Excellency's ob't. Serv't.,

JOHN PENN.

His Excellency Richard Caswell.

JAMES WILLIAMS TO GOV. CASWELL.

[From Executive Letter Book.]

CHATHAM, 7th July, 1777.

May it please your Excellency:

The bearer hereof, Mr. Francis Drake, (a very respectable inhabitant of this County) waits on your Excellency, as Chief Magistrate, in order to prove a will before you, and take out Letters Testamentary. The witness he will introduce, (Mr. Richard Drake), I can assure you he is a man of great integrity. Mr. Drake also brings with him a copy of the proceedings of our County Court, which I shall not animadvert on, not doubting but your Excellency will see the impropriety of their conduct on this occasion. I am induced at the earnest solicitation of Mr. Drake to trouble you in this affair as he is altogether unacquainted with business of this kind.

I am your Excellency's

mo. obedient Servant,

JAMES WILLIAMS.

DR. THOS. BURKE & JOHN PENN TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, July 8th, 1777.

SIR:—

We have obtained an order of Congress to the Treasurer, who has been at Baltimore since the time the Congress sat there, directing him to send to your State three hundred thousand dollars.

This sum is as much as can now be spared from the Treasury, and we hope will answer the exigencies.

We will transmit you a State of the Treasury debit against our State in a few days after this: at present we think it not expedient to detain the messenger, especially since your occasions for money are so pressing. We know not the amount of the bills drawn by Mr. Ash, and wish your Excellency would direct him to transmit us an account thereof. We have the honor to be

Your Excellency's obedient Servants,

THOS. BURKE,

JOHN PENN.

Governor Caswell.

GOV. P. HENRY, OF VA., TO GOV. CASWELL.

[From Executive Letter Book.]

WMSBURGH, July 9th, 1777.

SIR:—

I beg leave to mention the case of Mr. Delaporte, a French Gentleman, to your Excellency. He was given to understand that several Frenchmen might be recruited in your State, and set out from hence on that business. I am sorry to hear he is so unlucky as to get into a quarrel, the consequences of which I hear are serious. I shall esteem it a favour if you'll please to take notice of him, and render him every proper assistance.

With great regard, I have the honor to be, Sir,

Your most ob'd. servant,

P. HENRY.

His Excellency Richard Caswell.

WILLIAM BORDEN TO GOV. CASWELL.

[From Executive Letter Book.]

NEWPORT, July 9th day, 1777.

TO HIS EXCELLENCY RICHARD CASWELL.

Friend, I was informed by Capt. Enoch Ward, that I was appointed by the Assembly of this State, to supply his Indep^d. Company with provisions, for which I was but illy provided, as I had not previously to said appointment, provided any quantity of meat sufficient for such a number of men. However, I have done it from the first day of May to this instant under many disadvantages, though I had no money, nor drafts for any from the public. I shall be glad your Excellency will send me a warrant on the Treasury for that pupose. As to the sum your Excellency will be a sufficient judge of, as you will know that pork is at so high a price as ten pound pr Barréll, and that the only meat of any account yet used; and your Excellency will much oblige.

Your assured Friend &c.

WILLIAM BORDEN.

GOV. CASWELL TO MAJOR DAVIDSON.

[From Executive Letter Book.]

KINGSTON, 10th July, 1777.

SIR:—

Your return with your letter of the 2^d instant I have just received, and am really concerned to find your officers are not punctual in obeying orders. Without that proper discipline can not be kept up; I conclude from your letter you have not received one I addressed to you near a month past to the care of Col. John Williams of the 9th Battalion. In it were inclosed copies of the proclamations I herewith send you, and as the one requiring the Troops to repair to Halifax has not been attended to, I must now request that you march your men immediately to Halifax except one officer from each company, whom you think best qualified to remain in the State to recruit. On your arrival there you are to apply to the commanding officer, and follow such instructions as I

shall furnish him with. If you do not get there before he may march, you will be pleased to make me a return immediately on your arrival at Halifax, and wait such orders as you may then receive from me.

The money is not yet arrived from Philadelphia, but is daily expected; on its arrival I shall order a paymaster to attend at Halifax to pay up the arrears of bounty and pay. We have just received accounts published by order of Congress, that General Howe had marched from his encampment at Brunswick nine miles on his way to Philadelphia where he was met by our brave General Washington and the American Troops who put the British to the route; that they endeavoured to return to their old quarters at Brunswick, but found three of our Regiments in possession of it, who refused to let them enter. Whereupon they were pursuing their march to Amboy, and our Troops on their heels annoying and distressing them: few it is hoped will be suffered to get on board their ships. This account is published in the Philadelphia papers of 24th June. Let me hear from you by every opportunity.

I am, Sir, your most obed^t. serv^t.-

R. CASWELL.

Maj^r. Davidson.

GOV. CASWELL TO COL. JOHN WILLIAMS.

[From Executive Letter Book.]

KINGSTON, 10th July, 1777.

SIR:—

I had required the attendance of the Council here on the 8th current, some matters of consequence to the Southward required my consulting them previous to my going to Halifax, which I intended: but as the members of the Board, for reasons best known to themselves, have not met me here, or at least not a sufficient number to proceed in business, I am under the disagreeable necessity of declining my journey to Halifax; therefore you will be pleased to observe the following instructions, viz.

You are to make me a return as well of the Commissioned officers, and Non Commissioned officers, as privates of each Battalion

now assembled at Halifax, with the numbers of absentees and invalids belonging to each, who are in this State, with a list of such as you now discharge, and for the purpose of discharging such as are entitled to discharges, you are to hold a Court of Enquiry in the usual manner, and I hope and expect that a particular attention will be paid to the testimony which may be introduced before such Court, so as to discharge such as have actually served out the time they engaged for. At the same time I have no doubt but a strict enquiry will be made, whether the person who applies for a discharge has not been reinlisted, which I know has been the case with many; but by this I would not be understood to wish you to withhold a discharge from any man who is entitled to it, as I am convinced the State is honor bound to discharge those people who have formed their contracts, as well as from the principles of justice. You will render me an account as near as you can, of the arrearages due to each company, and if any paymaster is left in this State, and who he is, and where he may be found.

You will, from the returns of recruits made you, be able to judge who will be the proper officers to leave in the State to recruit: a list of those Gentlemen you will return to me with the utmost expedition. You will hold all other your officers and men in readiness to march at the shortest notice.

You will (inform) Col. Long, the Quarter Master General, of your number, that he may provide waggons to proceed with the Troops. You are to inform me if you have one or more Commissaries with you who will supply the Troops under your command. You are also to inform me, the number of firelocks you are deficient, if any; and whether you think it is practicable to prevail on your people to march before their arrears are paid up. These returns you are to send me by express so soon as you possibly can, that I may take the necessary orders thereon. I am Sir,

Your most ob'd. Serv't.,

RICHARD CASWELL.

To Col. John Williams,
in his absence the Commanding Officer.

MICHL. PAYNE TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, July 14th, 1777.

SIR:—

I rec'd pr post your letter with the Commissions, and am at a loss to know how to act, as you have not mentioned whether there's any thing to pay for them or not. I should take it as a very great favour if you would please to write me on that head, and oblige

Your most obed. hbl. servt.,

MICHL. PAYNE.

His Excellency Richard Caswell.

COL. JOHN WILLIAMS TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, 15th July, 1777.

SIR:—

This day rec'd your favour by express, and the contents thereof will comply with as soon as possible, a number of officers and recruits has not yet joined us.—Agreeable to your former instructions I ordered a Court of Inquiry, which has been sitting since the 10th instant, and will continue (I expect) two or three days longer: a great number will obtain discharges:— You desire I would say whether I think it practicable to march the men before they receive their wages? For answer I refer your Honor to the proceedings of a General Court Martial, that was held yesterday and herewith you'll receive. I am inform'd the paymaster of the 6 Regiment Mr. Mosely is not gone to the Northward, he livs at or near Rocky Point. We have 266 privates, 5 drummers, 7 fifiers, 37 serg'ts., 2 indifferent Commissaries, (to-wit,) Amey and Dent, 2 adjutants, 13 Ensigns, 37 Lieutenants, 23 Captains, 3 Maj'rs., 4 Lieut. Cols, 1 Col. Total effective, 399. Also we have 10 sick in hospital.

The mutiny that happened in camp last Saturday was almost general, occasion'd by orders to hold themselves in readiness to

march over the River, where it was thought to be the best place to camp; which orders were countermanded, and the soldiers and &c. still remain in town. I shall do my best endeavours to prevent the soldiers from mutiny & desertion. Five hath deserted since the rendez-vous here.

I am Sir with much respect,
Your most obed. Serv't.,
JOHN WILLIAMS.

His Excellency Governor Caswell.

LT. COL. HENRY IRWIN TO GOV. CASWELL.

[From Executive Letter Book.]

TARBOROUGH, 16th July, 1777.

DR. SIR:—

Being extremely unwell prevented my attending at Halifax. I am now got some better, and would wish your Excellency's permission to go all to the No'ward to join my Regiment, as I can't promise my self any advantage I can be of to the army, staying here.

I am very sorry to inform you of too many evil persons in this and the neighboring Counties being joined in a most wicked conspiracy; but am in hopes it may be stopped, as many have come in, and made all the discovery they knew of,—about 30 of them made an attempt on this place, but luckily I had about 25 men to oppose them. I disarmed the whole, and made many take the oath.

I am Dear Sir,

Your Excellency's most ob't. Serv't.,
HENRY IRWIN.

His Excellency Richard Caswell.

LT. COL. ROBT. MEBANE TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, July 17th 1777.

SIR:—

A return of the success of the 7th Battalion your Excellency will have in the General return from the Commanding Officer, the

chief reason given by most of the officers upon the recruiting service for their bad success is want of money, in which I am persuaded there may be some justice. We have numbers of deserters, who I think it will be impossible ever to have brought in, unless officers are sent on purpose after them; as they generally live too obscure for proclamations or any other offered clemency to reach them, even if we could suppose they were determined to return to their duty. I have, (with the leave of the commanding officer) sent several officers from the 7th Battalion in quest of them. As some officers had not discharged their duty, and in some measure disobeyed orders upon hearing the instructions given by your Excellency (to the Commanding Officer) they beg leave to resign; this indulgence I think may be granted them without any injury to the service. I should be glad, in making future appointments in this Battalion, if agreeable to your Excellency, that Commissions may be granted conditionally, according to the number they recruit. I should also be glad that I may be ordered to march with the first that goes from this place.

I am, Sir, with all possible deference and respect

Your very h^{ble}. serv't.,

ROBT. MEBANE.

His Excellency Governor Caswell.

MAJOR SELBY HARNEY TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP AT HALIFAX, July 17th, 1777.

SIR:—

I am extremely unhappy to inform you of the bad success we have within the recruiting service, but as it is a general complaint of my officers that they could not dispose of their bills, and that the officers of the 10th Regiment ordered to be raised for the defence of American liberty have been the greatest impediments, by assuring the people in general that those who would enlist with them should not go out of the State; I hope therefore your Excellency will take it into due consideration, and be assured it is the greatest mortification to inform you how far we have fell short of our own and perhaps your Excellency's expectations.

The ungenerous conduct of Mr. Stephen Swain has been the

principal cause of my giving your Excellency this present trouble, who after he had solicited me to interest for him with you for a Commission, ungenerously refused it, I have therefore sent it inclosed.

I would also inform you of the conduct of Mr. Charles Dennis, a second Lieutenant in the 8th Battalion, who was ordered to march with our forces to the Northward, but has disobeyed orders, and is now at home with a considerable sum of the country's money in his hands. The bearer Mr. Stephen Owens, has applied to me for an Ensign's commission, but as he is a stranger to me, I would refer to you as the properest judge whether his recommendation is sufficient.

And I am with due respect,

Your Excellency's most obedient humble serv^{ts}.,

SELBY HARNEY.

WM. HOUSTON & OTHERS TO GOV. CASWELL.

[From Executive Letter Book.]

DUBLIN COURT HOUSE, 17th July, 1177.

To His Excellency Richard Caswell Esq Governor of the State of North Carolina.

MAY IT PLEASE YOUR EXCELLENCY:

Upon receividg the information & deposition of Wm. Whealy, who swore against Felix Kennan and Richard Brocas, we have sent out men to apprehend them, and Brocas being taken, and not having the laws to direct us in what manner we should proceed against him, have thought it best to send him to your Excellency. We have men after Kennan, and if it should be improper to send him to you also when taken, please to inform us by the Bearer, Mr. John Molton our Sheriff. We are not able to make any discovery of the plot by any person that we have called upon as yet. We shall exert every nerve in our power to discover the combination.

We are Your Excellency's most obed^{ts}. Hum^{ble}. Serv^{ts}.,

WM. HOUSTON, Chairman.

JAMES KENNAN.

JOSEPH DICKSON.

P. S. Have sent the deposition with this Sheriff and Brocas.

CAPT. HARDY MURFREE TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP AT HALIFAX, 18 July, 1777.

SIR:—

Mr. Samuel Jones of Hertford County, who entered in the second North Carolina Continental Battalion as a Cadet 24th of May last, who is at this place in order to march to the Northward, he is a genteel Gentleman like man. Since I was at Newbern last Captⁿ. Gardner of the 2d Bat^l. has resign'd, and Lieut. Standing says he will never join the Battalion again. I should be very glad if your Excellency would grant the said Mr. Jones a Commission as an Ensign in the second Batt^l., and send it by the bearer, as I understand there is to be some officers left in the State on the recruiting service, and he will answer for that purpose better than some that I have here who will not exert themselves.

I am your Excellency's mo. hum^l. servant,

HARDY MURFREE.

I give my approbation to the above.

JOHN WILLIAMS, Com^{rs} Officer.

To His Excellency R. Caswell.

MAJOR J. B. ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, July 18th, 1777.

SIR:—

I have just now handed a return to Col. Williams (of the 9th Battalion) agreeable to your Excellency's directions to him. You will no doubt be astonished and wonder that such a vast arrear can be due that regiment, but your Excellency's astonishment will assuredly cease when I inform you (and that with truth) that there isn't above twelve of the men returned, but have been deserted since the latter part of seventy five; I havⁿt any news to write your Excellency, only the one of the Royal Bloods of France, (the Marquis de Lafayette) recommended by Mr. Franklin, passed this a few days since, on his way to the Grand Army.

I am with due respect,

Your Excellency's very obed^t. very h^{ble} servant,

J. B. ASHE.

His Excellency Governor Caswell.

LT. COL. WM. DAVIS TO GOV. CASWELL.

HALIFAX, July 19th, 1777.

SIR:—

This letter is to request of your Excellency leave to go as far as Cape Fear, to settle my business, which were I not to do, would be almost my ruin, besides being very injurious to the estate of some orphans in my care. My absence for a short time can't be of the least detriment to the 1st Regiment, as there will be sufficient officers to conduct the small number of men to the place appointed for their inoculation, (as I have had the small pox) I can join the Division before they get well. I should by no means have desired leave if it had not been that I was informed that Col. Luttrell was to march with the 1st Division to the North, and by the time the second was to go, I could have settled all my affairs, as there is no knowing when we shall return back, my going home is really necessary. I should have made application to the Commanding Officer, but did not know he would grant leave without your approbation. As I have been in the service ever since the Troops were raised, and went twice to Charles Town, and staid there a very disagreeable campaign, being at Hadral Point the whole winter, hope your Excellency will indulge me, which will for ever oblige

Your very hum. Serv't.,

WM. DAVIS, L. C. 1st R't.

ROBT. SMITH TO GOV. CASWELL.

[From Executive Letter-Book.]EDENTON, 19th JULY, 1777.

SIR:—

I went up to Halifax the 10th of this present month, when I was given to believe I should have the honour of waiting on your Excellency. I waited the 11th till night, when word came you would not be at Halifax before the 15th. I left a packet for your Excellency and Council, in the hands of Thomas Eaton Esq., which, as you did not go to Halifax, I hope he forwarded. It concerned the Brig King Taminy which I have had fitted out,

and she is now ready to take her cargo; indeed I ordered thirty Hhds of tobacco to be put on board her, the sails overhauled, and the rigging set up. I req'd another person might be appointed in my room' commissioner of her, as there would be an impropriety in my acting as agent for the Congress and Com'r for the State—especially as the Congress were to become charterer, they would necessarily expect I would make the best bargain for them I could, and this State would have an equal right on their part to expect it. I mentioned that I was willing to charter the Brig, have her valued, and on account of Congress would insure her out and back, from Nants, Bordeaux, or Port L' Orient—and execute the charter party with your Excellency and the Council: or, if you thought proper to appoint some person here I could execute it with them. As she now waits for your determination, the sooner it comes, the better.

I have the honor to be Your Excellency's most obed. &

very h'ble. serv't.,

ROB. SMITH.

NATH. ROCHESTER TO GOV. CASWELL.

[From Executive Letter Book.]

HILLSBO', 20th July, 1777.

MAY IT PLEASE YOUR EXCELLENCY:

Agreeable to your directions, I have to inform you that Alexander Mebane Jun^r. is appointed Sheriff of Orange County, and David Shelton for Caswell County, for whom I have filled up the Commissions you gave me. I likewise send the fees for 12 blank letters of Administration and Testamentary.

I have the honor to be

Your Ex'cy's ob^t. Hum^l. serv^t.,

NATH. ROCHESTER.

COL. JOHN WILLIAMS TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, 23^d July, 1777.

SIR:—

Yesterday morning Mr. Mallett arrived at this place from Cross

Creek, and informs me that a few hours before he left home, Col. Hogan, who lives in the County of Orange, came into town, and informed him the day before he left home, he understood a number of people in the Counties of Orange and Chatham had assembled in a body, and he being desirous to know what it meant, went to them, and found upwards of a thousand embodied, who said they were going to Cross Creek to get the salt that was stored up. A Lieut. in the 9th Reg't., a person of character came from Guilford on Sunday last, who also tells me that, the day before he left home, he was at a public meeting of the people in Guilford, who seemed ripe for something daring and desperate, that they frequently drank the King's health, and damnation to all that would not join them.

To my own knowledge there is powder a plenty in the upper parts of this province, but not any lead to be got; but, as I understand there is several tons of lead belonging to this State at Cross Creek, I greatly suspect, under the cloak of getting salt, they want to lay their hands on that article.

These reasons, together with our having nothing to do, has induced me to order the different Regim'ts under my command at this place, to march immediately for Cross Creek, and endeavour to get there before them, as I understand they are not to leave Chatham until Thursday, so that I am in hopes to be before them, and prevent their designs, be they what they will. When I said we had nothing to do, I meant that we should not (I expected) be ordered to the Northward, until we had money to pay the men, and of course be here doing nothing these ten days perhaps.

Therefore, if your Excellency approves my conduct, please to direct the paymasters, that are to supply us with money, to attend at Cross Creek, where I intend to march with all the haste I can, and stay until I get further orders from you.

I am with the utmost respect,

Your mo. h'ble Serv't.,

JOHN WILLIAMS.

His Excellency Governor Caswell.

P. S. I intend to get arms of such persons, as we march, as are well affected to the State.

WILL. HOOPER TO GOV. CASWELL.

[From Executive Letter Book.]

TINIAN, July 21st, 1777.

SIR:—

By the death of Capt. Forster who was appointed a Commissioner for the Washington armed vessel, it has become necessary that his place should be immediately supplied. As the Assembly have invested the Gov'r & Council with a power for this purpose, it becomes very interesting to the public that they should exercise it without delay. The Gentleman who was appointed to the command of the vessel is perfectly at a loss how to act, as he does not conceive himself at liberty to make any movements of himself, and there is no one from whom he can obtain instructions. The supply of the ship's crew is a matter also that is solely within the duty of the Commissioner, and unless this is regularly had, those on board the vessel must leave her to seek support elsewhere. I have in vain sought for some person versed in maritime affairs and in other respects qualified for this vacant office, but the few of this character refuse to undertake it, urging as an excuse, that the trouble which will attend it will be very considerable, that they will be under a necessity to advance their own monies for public purposes, and experience the same want of generosity which Capt. Forster complained of in the reimbursement.

The Capt. of the vessel informs me that Mr. Toomer will undertake the office of Commissioner. His character in point of industry and integrity is unsullied, and his capacity in the common affairs of life good: he is not a seaman by profession, but upon the whole, with his other good qualities, has the best pretensions, to it of any I know here who will accept the charge. I have heard that Capt. Ellis is not adverse to this office, but as he lives 12 or 14 miles from the town, I doubt it would be attended with inconvenience to himself and the public.

I am Sir with the greatest respect

Your Excellency's most ob't. serv't.,

WILL HOOPER.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, July 22^d, 1777.

DEAR SIR:

I waited some time for the intelligence from Ticonderoga which you will find in the inclosed paper, and I declined writing until I could give you particulars, because I did not choose to put you on disagreeable speculation. Many of us have long expected that Ticonderoga would be evacuated at the approach of an enemy, because we had no hopes of having a force there competent to its defense. We have mistaken much, in my opinion, our line of conduct in these matters. We have relied too much on fortifications without sufficient force or discipline to defend them. Our Troops in general make no resistance when they are cooped up within lines, and assailed on all sides, and experience has convinced the world that even veteran Troops are unequal to such a trial. To wait firm and determined to sustain the shock of an enemy charging from all sides is an effort of fortitude that very few armies have ever been found equal to, and it seems to me not very wise to expect it in our raw and undisciplined armies. Our own experience too is sufficient to instruct us in avoiding this kind of battle, for therein the enemy is always superior to us, and in desultory war we are always superior to them. We shall now dispute the country with the enemy and I hope with more success than we defend fortifications. General Howe is still inactive at New York and Staten Island, and General Washington with a superior army is ready to oppose him whichever way he moves. Mr. Harnett arrived here on Friday night last, but has not yet been able to go into Congress. I shall use the permission you are pleased to give me of returning home, as soon as I can do so without danger of injury to public service. I shall at present trouble you with nothing more, but wish you all possible happiness.

Capt. Caswell is with his Regiment at Trentown. I have not heard from him since his departure from this city.

I have the honor to be

Your most ob't. hum. serv.,

THOS. BURKE.

Governor Caswell.

RICHARD PETERS TO GOV. CASWELL.

[From Executive Letter Book.]

WAR OFFICE, July 22^d, 1777.

SIR:—

I am directed by the Board of War to inform you that Congress have taken into Continental Pay as Part of the Quota of Troops to be raised by the State of North Carolina, the Artillery Company of that State. You will be pleased to inform the officers commanding the Company of his being received into Continental service, and that Congress direct him forthwith to proceed and join Gen. Washington.

I have the honor to be your very obed. Serv't.,

RICHARD PETERS, Sec'y.

P. S. I have had the honor of receiving no list of officers appointed in No. Carolina in the Continental Reg'ts with their ranks and dates of Commissions, as desired in a former letter.

THOS. CRAIKE TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, July 23^d, 1777.

SIR:—

I was this day preparing to send off the powder ordered for the magazines at Salisbury and Washington districts, Col. Long having provided a waggon for that purpose; but, from the intelligence we have rec'd from the Counties of Guilford, Chatham, and Orange, I thought it necessary to consult with Col. Williams and Col. Long, who are of my opinion that it would be too great a risque to forward it till we are better informed of the intentions of these people. I have had the powder all started and put in good order, and shall wait on your Excellency's orders by the return of the express.

I am your Excellency's most obed. hble. serv.,

THOS CRAIKE, D. C. S. S.

His Excellency Richard Caswell.

ROB. SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 24th July, 1777.

SIR:—

The last time I had the honor of addressing your Excellency was on the 19th instant, in which I mentioned my having been at Halifax, with the intention of meeting you and your council to conclude what should be done about the armed Brig King Taminy, which the General Assembly thought proper to appoint me Commissioner for. Since I received the Resolve of the Assembly I have done my best to have her fitted ready for sea, and have put the greatest part of her cargo, to-wit, tobacco, on board, but am now stopped from proceeding any further, as I am ordered by the Assembly to load her out on Continental account and have her by Congress insured, and as I act for the secret Committee as agent, I can not with any degree of propriety, value the Brig, ascertain the freight, and make out a charter party. I therefore enclosed your Excellency the copy of the Resolve of the Assembly, with the request you would either appoint one as the Commissioner for the King Taminy, or allow men of judgment to set such value on the vessel and freight for the month, as you might think proper and for you & the Council. I was willing to charter her and on account of the Congress I would insure her against all risques whatever. It's true at both times I forgot to mention, and I would rather avoid it now if I could, but, the Taminy must not stay,—they grumble enough already—*I mean the people*. But I now will venture, should you and your council not incline to charter her to me, to name Mr. Chs. Bondfield, Mr. Josiah Collins, or Mr. John Smith, as men fit to be appointed or any of them Com'rs. for the King Taminy. I think they would do justice, but am not sure whether they may act, tho' some of them I have no doubt will, and therefore it might be well to name them all or any one of them. Your ans'r by return of this express would much oblige me.

I have the honor to be, Sir,

Your obed't. serv't.,

ROB. SMITH.

To Gov. Caswell.

THO. HOSKINS TO GOV. CASWELL.

[From Executive Letter Book.]

TYRREL COUNTY, 25th, 1777.

SIR:—

As I have the honor of being chose Clerk of Tyrel County, by majority of votes the first and second days; likewise have received the books and papers belonging to the said County from Mr. Archibald Corrie—Wherefore request the favour of your Excellency to grant me a Commission to act in the said office; and forward it when most convenient to your Hon'r.

I should do myself the honour to wait on your Excellency in person, but having this opportunity, hope your Excellency will excuse me at this time. Your demands please to let me know, and I shall send to you by Mr. Benjamin Spruil at the next meeting of the Assembly. Your compliance will always be acknowledged by Sir,

yr. very hum^l. Serv't

THO. HOSKINS.

N. B. I send enclosed a certificate signed by the Magistrates for said County.

FRANCIS BRICE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, July 25th, 1777.

SIR:

In the death of Mr. John Forster the public have lost a warm friend to American liberty, and the privateer Gen'l. Washington is left without any one to procure the necessary articles for the ship's use, except the Captain who must purchase every material at a much larger price than a person particularly appointed for that purpose, as, if one was nominated, he might get a quantity of necessaries together, which would come much more reasonable than buying out of the retail shops.

I was at a loss who to mention to your Excellency as a proper person for the undertaking, 'till I recollected Mr. Robert Ellis, to whom I mentioned the circumstance, and he will readily accept the appointment, should your Excellency and the Council confer

it on him. Mr. Ellis has been accustomed to the sea from his youth, & consequently pretty well acquainted with maritime affairs. I could wish your Excellency could order whoever is appointed, to replace the money advanced by Mr. Forster since his settlement at Newbern; if you should, I shall take care to have the acc'ts properly attested: The warrant your Excellency sent him by me I have in my possession.

I am your Excellency's h^{ble} servant,

FRANCIS BRICE.

P. S.

I am told Mr. Toomer will also act as Commissioner for the Washington, provided he was appointed. Mr. Toomer is a very active stirring man, he also knows something of shipping, and I make no doubt but he would fill that vacancy with much credit to himself and benefit to the public. I dont presume to recommend either of those Gent. to your Excellency, I only mention them as the only two who would undertake the business.

Your Excellency's H^{ble} servant,

F. BRICE.

His Excellency Richard Caswell.

GOV. CASWELL TO COL. DAVID SMITH.

[From Executive Letter Book.]

DOBBS, 25th July, 1777.

DEAR SIR:—

I have this evening received information that a considerable number of persons in the Counties of Orange, Guilford, and Chatham were some days ago assembling with a design, as they gave out, to go down to Cross Creek to take the salt that is stored there. But it is suggested they have other views. I am therefore to request you will get what information you can respecting this matter; and if you have any certain intelligence of their being on their march, in that case you are to raise so many of your militia as you can depend on for the purpose of opposing them in any illegal attempt that they make, and give me the earliest notice; at all events let me hear from you, with a particular account of their transactions so far as you shall be able to collect them with every

article of proof you can obtain by Thursday next at twelve o'clock, when I expect to be at the Court house of this County. This account you must send me by express, the expence whereof shall be paid by the public. Don't omit letting me hear from you by that time.

I am &c.

RICHARD CASWELL.

Col. David Smith, Cnmberland.

COL. DAVID SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

CROSS CREEK, July 26th, 1777.

MAY IT PLEASE YOUR EXCELLENCY:

I am requested by the good people of this place to address you; they judging it convenient and absolutely necessary that an armed company should be maintained in this County till the act of Assembly can be put in force and have its due effect on those who refuse to take the oath of allegiance to the State; it being evident that upwards of two thirds of this County intend leaving the State, and are already become insolent, and it is apprehended will be troublesome.

I am therefore to request your Excellency and the Council of State that you would be pleased to order about fifty Light Horse, under vigilant officers whom you may appoint, to be stationed here; and should it be suggested that it would be difficult to raise the men in different Counties, it is imagined they could be easily raised here, especially under the command of Capt. Rowan, which shall seem most agreeable to your wisdom, and consistent with the present circumstances of affairs; these would protect the good subjects of the County, and see the said (act) duly enforced, without which it is apprehended the intention of the Legislature will be rendered abortive: in consequence of this and in behalf of the above request you are troubled with this from Sir,

Your Excellency's most obedient humble ser't.,

DAVID SMITH.

COL. DAVID SMITH TO GOV. CASWELL.

[From Executive Letter Book.]CROSS CREEK, 26th July, 1777.

MAY IT PLEASE YOUR EXCELLENCY:

Should you, Sir, think it necessary for the good of the State to appoint any number of Troops to be kept here until the Laws shall be executed,—I beg leave to recommend the bearer, Mr. Edward Winslow to your notice as a Commissary for the same, he is a good member of society, and can more effectually supply the men in that way than any person here who would take that trouble.

I have the honor to be,

Your Excellency's most obed't. and very humble Serv't.,
DAVID SMITH.

His Excellency Richard Caswell.

COL. JOHN SIMPSON TO GOV. CASWELL.

[From Executive Letter Book.]CHATHAM, July 26th, 1777.

SIR:—

Yours of the 15th inst came to hand yesterday, I immediately issued orders for the General Muster of the Pitt Militia to be at Martinsburg on Wednesday next. I observe your Excellency directs the drafting the men agreeable to the late Law, which Law is not come to hand, and unless your Excellency can furnish me with an abstract of it, I shall be entirely at a loss. The bearer returns this way, which will be good opportunity.

I am with due respect,

Your Excellency's most obed. Serv't.,
JOHN SIMPSON.

His Ex'cy. Richard Caswell.

GOV. CASWELL TO GEN. JOHN ASHE.

[From Executive Letter Book.]DOBBS, 26th July, 1777.

DEAR SIR:—

I wrote you about ten days ago requesting Gen^l Musters and drafts to be made in your district agreeable to the late act of

Assembly. If that is not done, I most earnestly request you to have it done with all expedition, and lest you should be at any loss respecting the militia Law I have sent you herewith a copy of it. Last night I received letters from Cols. Williams and Long, of which I enclose you copies; and by other hands I have similar accounts. I am therefore to request you do immediately raise so many of your militia as you shall think a sufficient guard for the magazines of ammunition at Cape Fear, to be relieved by other of the militia so often and in such numbers as you shall think proper, until you receive further advice from me. The Council is required to meet at Kingston the 4th of August, any intelligence you shall be able to obtain previous to that time, of the conduct and movements of the Insurgents, you will be pleased to communicate to me then. Indeed I am inclined to think their aim is to get possession of our magazine. If it shall appear to you from what accounts you may gain, it may not be prudent to wait to receive the order of the Governor and Council, for raising the Militia, as it may be attended with such delay as to render any services from them futile. In this your own judgment must govern you, but in every step you take, be pleased let me hear from you. If you are obliged to take arms, let me know how you proceed, as I shall order the militia in this District (Gen^l. Bryan being out of the State) to your assistance.

If you hear the intention of the Insurgents is to proceed down the country, their plan will certainly be against your magazine. If a party advances against them, a Detachment with two or three Field Pieces from the Artillery Company under Captain Vance will, I conceive, be of great use. If you think so, pray give orders accordingly.

I am &c.

RICHARD CASWELL.

To John Ashe, Esq.

GOV. CASWELL TO EDWARD STARKEY.

[From Executive Letter Book.]

DOBBS, 26th July, 1777.

DR. SIR:—

I am to request in the most earnest manner you will attend the Council at Kingston the 4th of August next. Matters of the utmost

consequence to the State will be then laid before the Board. I am really concerned when I inform you that a sufficient No. of your Brethren had actually promised me to attend there the 8th current, when Col. Haywood and Col. Bonner only attended, waited three days, and then returned to their homes. If it were possible now I should endeavour to convene the Board sooner, but the distance those gentlemen live apart prevents my attempting it.

I am, Dr. Sir, with esteem & regard

Your ob't. Serv't.,

RICHARD CASWELL.

To Edward Starkey Esq.

GOV. CASWELL TO HON. W. CRAIG.

[From Executive Letter Book.]

DOBBS, 26th July, 1777.

DR. SIR:—

I was much concerned you did not keep your word with me last time the Council was to have sat, as business of importance was ready to lay before that Board.

Now I have to request you will be punctual in attending at Kingston on Monday the 4th Aug't next, when 'tis more than probable it may be necessary to order the militia to be raised, and in order to be prepared in your County, I request will cause a Gen'l muster of the militia to be made, and a draft agreeable to the last act. I have wrote to Gen'l. Ashe on the subject, and 'tis likely you will hear from him. A letter for Mr. Starkey the Bearer will deliver you, if you will engage to send it to him immediately; if you can not do that, let him go that way.

I am Sir your ob. Ser't.,

RICHARD CASWELL.

Hon. W. Craig.

GOV. CASWELL TO R. SMITH.

[From Executive Letter Book.]

DOBBS, 27th July, 1777.

DEAR SIR:—

Your several letters of the 19th and 24th curr't I have received,

but cannot, without the advice of the Council, do any thing respecting the subject matter of them. The Council is to meet at Kingston the 4th of August next, when I will lay those letters before them, and if you think proper to send out then, I shall be able to inform you the result of the Council. I have much business on hand at present. You will therefore be pleased to excuse my not writing particularly to you and Mr. Benbury, assure yourselves that every step in my power shall be taken to secure Mr. Brimage, and the other matters recommended in your letters shall be properly attended to by

Dr Sir, Your most obe't Ser't.,

RICHARD CASWELL.

Rob. Smith Esq.

ROBERT SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

DOBBS, 27th July, 1777.

DEAR SIR:—

Since writing to you this morning I am induced to believe from information I have received from the Westward, that the Tories there have been some time assembling under pretence of going to Cross Creek to take salt there stored, but I rather fear they will attempt to get possession of our magazine at Cape Fear? Col. Williams with the continental Troops which were at Halifax, are on their march against them, and I shall order Col. Sheppard's Battalion to join him, but as they are new recruits and without arms, I must beg, if you can furnish 300 stand, to send them out by Col. Dauge's recruits, who are ordered immediately out, and also the two Field Pieces Mr. Hews had bro't in for public use, with every appendage thereto, and other warlike instruments you may think we shall stand in need of, which will not too much retard the march of those Troops.

I am &c.

RICHARD CASWELL.

Robert Smith Esq.

GOV. CASWELL TO MAJ. DAVID BARROW.

[From Executive Letter Book.]DOBBS, 27th July, 1777.

DEAR SIR:—

I have received sundry affidavits from Edenton respecting the conduct of Mr. William Brimage, who is charged with being in the late conspiracy against the State, and concerned in certain treasonable practices. It appears to me beyond a doubt that he has been one of the powers of their diabolical plan. Therefore, in order to bring him to justice, if he is not already taken, I am to request you do immediately apply to Col. Bryan, if it be practicable, & request he will send a party of the Craven Militia immediately to apprehend & bring Mr. Brimage back to Newbern, from on board the Brig, commonly called the Tory Brig. If Col. Bryan is not in the way, you will be pleased to consider this letter as an order to you to discharge this duty. Major Tilman, if he is in the way, you will please to shew it. But at all events let the service be done. I would recommend it to the officer who goes down to obtain a warrant from the Civil Power. I mean a Justice of the Peace, for apprehending Mr. Brimage. On this letter being shewn I persuade myself any Magistrate will grant a warrant. I do not know what County, whether Carteret or Currituck may be the place where the vessel lies in, or I would write particularly to the Magistrates there. Whoever goes, let this letter go with them, and I hope the service so essential to the supporting our present constitution will be performed. When he is taken, I will furnish testimony, which, I apprehend, will be sufficient for detaining him in close gaol till his trial. Secrecy is necessary in the present case. A word to the wise is enough. Please to let me hear from you on this subject as soon as convenient.

I am &c.

RICHARD CASWELL.

Major David Barrow, New Berne.

GOV. CASWELL TO ARCH'D CORRIE.

[From Executive Letter Book.]

DOBBS, 27th July, 1777.

DEAR SIR:—

I had your favour of the 24th current, with sundry depositions. The measures you have taken respecting the conspirators, are very pleasing and agreeable to me. Your letter shall be laid before the Council which is to meet at Kington the 4th of August next. Any determination which they come to respecting the Guard, or any other matters which you ought to know regarding these affairs shall be communicated by,

D^r Sir, Your obed't Serv.,

RICHARD CASWELL.

Arch'd Corrie, Esq.

JOHN ANCRUM TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, 27th July, 1777.

MAY IT PLEASE YOUR EXCELLENCY,

This will be handed you by Capt. Ingram, at present Com'r of the Washington. As he is a stranger to you, I must beg leave to recommend him to your Excellency, as a very proper person to have the command of the said vessel of war, he being very capable of the same, by his vigilance and the attention he pays to his duty; and has ever appeared a warm friend to the American cause. To himself I refer for his other business.

I have the honor to be

Your Excellency's ob't. servt.,

JOHN ANCRUM.

His Excellency Richard Caswell.

COL. DAVID SMITH TO EDWARD WINSLOW, ESQ.

[From Executive Letter Book.]

SUNDAY, 27th July, 1777.

SIR:—

Since I left Cross Creek I have thought it would be necessary, if there should be a company raised for the safety of this

County, for you to move for an order to be issued to the Captain, to disarm all those persons who are ordered to depart this State, as I suspect they will endeavour to carry all the arms out they possibly can. I would submit it to your consideration. Also to get the Acts of the Assembly, if possible to be had.

I am, Sir, Your H'ble Serv't.,

DAVID SMITH.

To Mr. Edward Winslow.

GEN. JOHN ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

July 27th, 1777.

MAY IT PLEASE YOUR EXCELLENCY :

I have but a moment of time to acknowledge the receipt of your favour by Mr. Caswell, and to say that I shall punctually observe your instructions. Your favour of the 15th instant came to hand the evening before last, just as I was going to bed. I sent off dispatches to the Cols. of the several Counties of this District yesterday morning, directing them to call G. Musters, and to make their draughts immediately. As soon as their returns are made I shall forward them to your Excellency. I have heard nothing more than what you are pleased to communicate, with regard to the Insurgents, I believe the intention is or was by most of the Tories in this State perhaps the news from the North may discourage them. You'll be pleased to excuse this hasty scribble from

Sir Your most respectful humble Serv't.,

JOHN ASHE.

WM. BRYAN TO GOV. CASWELL.

[From Executive Letter Book.]

POPLAR SPRING, 27th July, 1777.

SIR:—

I rec^d your favour of yesterday by Mr. Marckland. Return you my best thanks for your kind congratulations on my recovery and return home, as well as for the information it contains. - Am truly sorry that this State has so many people so ignorant and easy to be

deceived, but hope your Excellency will take such measures as will put a stop to the growing evil, by a vigorous exertion of that power which the Constitution has vested you with. There was a General Muster & a draft in this County, Friday last, I was in town, but so unwell I was not able to be in the field, so that I can give little acc^t of the present temper of the people, but believe they are well disposed. I left Baltimore the 11th instant: there was nothing new from the Camp, or any other quarter, except an acc^t that the British army, all but a Garrison at New York had actually sailed. This acc^t came so well authenticated that I believe it is not to be doubted. A Col. Meade, a Virginian, who is Aid de Camp to Gen^l. Lincoln, left the camp the 27th ultimo, informed as he passed through Virg^a several Gentlemen from whom I had the acc^t that the British army after their various manœuvres in the Jerseys and their crossing to Staten Island embarked on board transports and had actually with great part of their heavy artillery gone to sea, (his expression was they fell down before the Hook), that various^e were the conjectures with regard to Howe's destination, some apprehended he meant to go up the Delaware, others to Boston, others that it was nothing more than a feint, and that he intended to return and go up the N^o. River; it is not impossible but his destination may be to the South. Knowing us to be in a defenceless State, he may attack N^o. & S^o. Carolina at one and the same time, the disaffected party rising in arms in so many parts of the State, at this season of the year when their crops are on hand, rather encourages me to think an attack is intended to be made either in this State or S^o. Carolina, although I should suppose the season of the year would discourage them from such an expedition. Should the militia be drawn into actual service, their operations will be greatly retarded for want of money to purchase many articles, and hire others which is necessary to equip the people in order for a march; the article of gun flints will be also much wanting in this Brigade, I should also think it advisable that some person be immediately employed to have a quantity of lead cast into sizable bullets and buck shot, as it is probable the call will be sudden. I do not at present know who has the custody of the military store at Newbern, or what stores there is at that place. In case your Excellency should be under the necessity of ordering out the militia, hope you will be

particular in the orders and ascertain as near as possible the number you would wish should march from this District, that they may be properly proportioned to each County; however I expect Craven, Dobbs, and Pitt must bear the burthen.

I am at present very poorly with a violent cold I took on the road, and I renewed it after I got home by washing myself in warm water, so that I am afraid that I can not be at the muster in Dobbs. If I should find myself amended so as able to ride with safety to myself, I will be up.

I am, Sir, Your Excellency's most obed^t and very hum^l,

WM. BRYAN.

N. B. Your letter to Capt. Caswell I put in the post office at Baltimore, as I could not see him. I heard from him by Mr. Salter who was immediately from Camp, at Phila. He said he was very well. I also bro^t a letter for you which Mr. Salter bro^t from Philada. I believe from Mr. Penn, that I left with Mr. Lengf. Cox, as I came down and requested him to forward it.

W. B.

MAJOR D. BARROW TO GOV. CASWELL.

[From the Executive Letter Book.]

NEWBERN, July 28th, 1777.

DEAR SIR:—

Your favour by Mr. McClewean I rec'd about one hour ago. I have despatched Lieut Shedrick Fulcher with a party of men after Brimage, with orders not to return without him, provided he has not left the State, if so to make strict inquiry in what vessel he took his passage. I have taken a warrant from Mr. Davis which will answer the desired effect in this district. This is a piece of business which I had some reason to believe was put into execution by the Justices of this place some days ago, but on inquiry I find was neglected. I mentioned Mr. Brimage's situation to Telfair, he assured me he should not have a passage in the Brig by no means whatever, except a passport from you.

I am, Dear Sir, your mo. ob^t. serv^t.,

D. BARROW.

His Excell'y Gov. Caswell.

ROBT. ROWAN TO GOV. CASWELL.

[From Executive Letter Book.]

CROSS CREEK, July 28th, 1777.

MAY IT PLEASE YOUR EXCELLENCY : AND HONOURS ;

The iron works in Chatham County having already been attended with considerable expense to the public, without the least prospect of future advantage, from the difficulty of getting hearth-stones that will stand the extreme heat of the Furnace, and also from the great scarcity of water in the summer months, has induced Mr. Allston, the other Commissioner, and myself, to permit Mr. Wilcox to take possession of the works and negroes till the next session of the Assembly, upon his agreeing to pay whatever price the public may think proper to charge him for the hire of the hands and for the pig metal that has been cast. And as I believe it will be the intention of the Legislature to let Mr. Wilcox again have the works, I thought it most prudent not to run the public to any further expense, as there was so little probability of reaping any benefit by it. I hope this will be agreeable and can assure your Excellency and honours that the other commissioner and myself spared no pains to make the works turn out to advantage: am sorry to say without success. I have discharged and paid off the workmen who came from the No'ward.

I have the honor to be with great respect,

Your Excellency' and Honour's most obedient humble servant,

ROBT. ROWAN.

His Excellency the Governor, and

the Hon'ble Gentlemen of the Council.

WILL. KENAN TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, July 28th, 1777.

MAY IT PLEASE YOUR EXCELLENCY.

SIR :— The situation of this and indeed every part of the country calls forth the endeavours of every virtuous citizen in aid to the approaching distress for the want of salt. I venture therefore to address you Sir, on this most alarming and important subject.

And as great men dislike the receipt of long letters, I shall briefly say, the common danger excepted, that I can import twenty-five thousand bushels of salt for the ensuing season, if you will give me leave to order the Washington immediately on this business. It is said that your Excellency's powers are restrained in this particular as well as most others. But on this I think differently, and with confidence because, Sir, you have a right to act and do any thing where the safety of the State may require: and I affirm there is no circumstance under which so much or even any danger may be apprehended as the want of salt. The real distress and usual complaint of the commonalty is artfully heightened and invigorated by the cursed Scottish race. This I affirm of my own knowledge, for they are now sneeringly threatening that salt will be at a dollar a bushel at Cross Creek by the last of October, and offer bets on this. Should you think well of my proposal and not doubt your power to execute it, it may be proper to sanctify my opinion with your approbation; in which case I shall be preparing by every expedient to carry the same into execution at the first meeting of the Assembly for better late than never. The Washington's cargo sold in the West Indies would purchase barely four thousand bushels of salt and vessels to bring it in, and such a measure would further encourage foreigners in the salt trade. If I can render my country bleeding with distress on this only score any service by this or any other plan to import salt, I am ardently anxious to do so. There are many proposals on this head in a different way, which I would lay before your Excellency, but they are too long for your perusal, unless you are determined to attempt the importation of salt. If you do, I can effect it and without I fear the want. The Brigantine, Dobbs, will sail in six weeks for Teneriffe for salt and wine. Her outfit and cargo will amount to about four thousand pounds, with every thing new and complete. You may send me by Capt. Vance, or Ingram any sum within your share that you find convenient.

I am with much respect

Your Excellency's mo. ob't. Ser't.,

WILL. KENAN.

His Excellency Gov. Caswell.

GEN. JOHN ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, 28th July, 1777.

SIR:—

Since writing your Excellency yesterday, I came to this place in order to send off my dispatches to the several Col^s. of this district. On my arrival I found several Scotch Tories and others from Cross Creek and Bladen, and learn from what they have told to their Friends in this town that the Insurgents you mention beyond a doubt intend to come down to this place, and under the same pretence that they give for their journey to Cross Creek, viz. salt. I find so many of the inhabitants here disaffected, and such a number of Tories from the other Counties here, and others dropping in by two or three at a time, occasions me to suspect they intend siezing the magazine by surprise. I have therefore (as I do not think it safe to trust a matter of such importance to the State to too small a guard) ordered the whole of the well-affected part of the militia of this County on duty, but do not believe they will exceed three hundred. I have sent orders to Col. Robeson of Bladen to embody his Regiment immediately, and make his draughts, and in case he finds they leave Cross Creek, to march the whole of them against them, and to annoy and impede their marches by breaking down the bridges, and skirmishing with them at every difficult pass, in order to retard their march, and give me time to collect as many of the Brigade as possible. I have sent similar orders to Col. Kenan of Duplin, should they take that route, and have dispatched orders to the several other Col^s. of this district to hold themselves in readiness. Mr. Edward Ingraham, a warrant Capt. of the Washington, privateer, who was just setting off when I came to town, with several letters of recommendation from Gentlemen of this place to your Excellency. I thought proper to stop on this occasion. He sends his letters pr bearer hereof. I make no doubt your Excellency will give 'em all due credit, and likewise prevail on Capt. Vance to tarry at this important crisis. I shall punctually inform your Excellency of every intelligence of importance I may receive.

I am Sir with due esteem and respect,

Your Excellency's most obed't & very hum.,

JOHN ASHE.

DR. JNO. JAMES WARD TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, July 28th, 1777.

HONORABLE SIR :—

Being informed by Capt. Vance, that there is some persons in the profession of Physick to be established for his Comp'y, & as Dr. Fergus is often absent, & it being agreeable to the officers &c. that I should attend on or officiate for 1st Company, Therefore I thought necessary to acquaint your Excellency of my abilities, having not experienced the practical part of amputations, but where it should be tho't requisite to perform those operations, it would require a surgeon & assis't, you'll see a certificate endorsed for Dr. Fergus of my having acted for the 1st Battalion of this State for 18 months & upwards. I should still have remained in ye capacity, but the pay then for such office was so small. By order of the officers I now attend and furnish the sick with my own medicines, & shall continue serving them till I receive intelligence from y^r Excellency, & if your Excellency should think proper to authorise me to attend, I shall in every respect to the utmost of my judgment execute the office. There is a medicinal chest now in town which was omitted being sent the Troops, therefore I should be glad to know whether I might have y^r chest for ye use of ye artillery, or draw med's from Commissary of stores, or still continue the use of my own, that is provided y^r Excellency thinks proper to appoint me.

I beg leave to subscribe myself Your Excellency's

most h^{ble} & obed't Serv't.,

JNO. JAMES WARD.

His Excellency Richard Caswell.

CAPT. JOHN VANCE TO GOV. CASWELL.

[From Executive Letter Book.]

FORT FORSTER, July 29th, 1777.

SIR,

I take this opportunity to send my return, & likewise Capt. Ingram's return; I should been in myself, but I was alarmed by

these dam rascals, the Torys. We are few in numbers, but in high spirits. I have sent your Excellency and the honorable Council a new-projected Tory pudding with the plums in one end. I hope your Honour will approve of it. I have likewise sent your Honor a memorandum of materials wanting for the artillery, we are very impatient for our paymaster, if your Excellency please to appoint Mr. Harry Toomer paymaster of the company, Sir, we are at present destitute of a Doctor. I have got one of my own appointing I likewise been under of a necessity of appointing officers to keep decorum in the camp, for if I had not arrived in camp just as I did the company would been totally broke up. I have with a good deal of fatigue got them in good decorum once more. Money is our greatest object at present. I hope your Honours will approve the officers nominated by me, Mr. Phillip Jones 3rd Lieut. Mr. John Cureton Vance, Jr. Lieut. fireworker. Sir, I have inclosed in the letter the proceedings of the Court Martial held on Mr. John Allen.

Sir, I remain your humble servant,

JOHN VANCE.

His Excellency Richard Caswell.

COL. DAVID SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

CUMBERLAND, 29th July, 1777.

SIR :—

I rec'd yours of the 25th instant, and agreeable to your order I have made all the discovery amongst the Tories that the time would permit. I immediately on receiving the letter sent a man who I could depend on up Deep River as far as Col. Alston's, and he returned this morning with a letter from Col. Alston, which gives the following account, that there was two men at his house one from Guilford, & the other from Chatham, and that he believed them both to be friends to the American cause, and they told them they did not believe the Tories had any intention of rising, and that they never had heard of any such thing, only at Chatham Court House on the 21st instant there was a meeting of the people concerning the salt, and they had sent to Orange & Guilford to

know if they would agree with them not to send any provision to Cross-Creek until they would sell them their salt upon reasonable terms: and they agreed to send two men out of every Captain's district to Cross-Creek to make some agreement with the Merchants for their salt. I was informed last night there was a party of men gathering in Duplin to go to Cross-Creek for salt, but the certainty of it I have not got yet.

I am Sir with the greatest respect,

Your mo. hble Ser't.,

DAVID SMITH.

His Excellency Richard Caswell.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, July 30th, 1777.

DR. SIR:—

Altho. I expected by this time a very active eventful scene yet I have scarcely anything to communicate to you worth your attention; for a week past the enemy have been expected here, and preparations have been made for effectively opposing them, but there is yet no appearance of them. What gives rise to the apprehension is that a fleet of men of War and Transports amounting to upwards of two hundred sail departed from Sandy Hook on Tuesday last, and steered southeast, having on board Troops, horses, artillery &c in great quantity. This appearance has convinced all who deemed this City their peculiar object, that their destination was for the River Delaware, and even such as have always thought otherwise feel their opinions now wavering: they can see no other probable object, and are therefore constrained to admit that it must be Philadelphia. For my own part, I am still of opinion that they will cooperate with their Forces from Canada in endeavouring to effect a junction and establishing a line for communication between the sea and the Lakes, so as to divide the Continent and bar all succours from one part to the other, while their operations are carried on against either.—But why should I trouble you with my conjectures? Time alone can discover what they intend; and as neither we nor they can govern events, there is no foresee-

ing what they will do. No new accounts have arrived from the Northern Department since my last. Our affairs there give us great uneasiness. The loss was certainly occasioned by the want of sufficient well appointed force, and as the Eastern States were to supply the Troops for that station, they are very solicitous that it should be thought the fault of the officers, who in reality could not have done more than they did with the force in their hands. They are unwilling that it should be thought they have not the force they have always pretended to; and altho' it must be and is admitted they have exerted themselves as much as any State, yet they are very unwilling to admit that any of our misfortune has happened through a weakness which they only share in common with the rest. The result I suppose will be, that the officers must be unjustly disgraced. Upon the whole of our affairs, they bear rather a promising aspect, and could we, by general taxing, or any other means, establish the credit of our money, every campaign would give us more command of the war. I shall not trouble you, Sir, with any more at present. I have the honor to be with the greatest respect & esteem,

Your obt. Ser^t.,

THOS. BURKE.

Governor Caswell.

CHAS. BONFIELD TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 31st July, 1777.

SIR:—

The Bearer hereof, Mr. Quintin Millen not being here at the meeting of the last Court held for this County, he has since been cited and brought before me. I being well acquainted with Mr. Millen, and fully convinced of his intentions not to act in any manner contrary to the laws of this country, I took no bail for his appearance at the next Court. He intends leaving the country, and waits on your Excellency for a certificate for that purpose. Should his not having given bail be any hinderance to his obtaining one, he can at any time give bail. The 16th June last I wrote your Excellency, informing you of my intention not to qualify to

the Commissioner of Oyer & Terminer for this District. Fearing that might have miscarried, and having this safe opportunity by Mr. Millen, I thought it my duty again to inform your Excellency that I can not be prevailed upon to qualify to the Commissioner of Oyer & Terminer. I hope by my giving such early information of my intention, some capable person may be prevailed upon to accept the Commission.

I am Your Excellency's most obed^t. Serv^t.,

CHAS. BONFIELD.

His Excellency Richard Caswell.

ROB. SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON 31st July, 1777.

DEAR SIR:—

Your most obliging favours of the 27th by Egan I had the Honor to receive yesterday and am really sorry nothing could be done about the Taminy as she is now fully loaded and I suffer greatly as the whole blame of her detention seems by the people to be laid to my door. It is with real concern I observe your Excellency will once more be under the disagreeable necessity of turning out to restore order in your Government and you have my most earnest prayers for your success, nothing I can do shall be wanting to help bring about so desirable an end. Should Col. Dauge with his men call he shall have every necessary can be had for him, as well arms as provisions, and the two Field Pieces, but from the best information we can obtain our neighbors in Martin, upper end of Tyrrell, and Bertie, are not like long to be quiet. We had them placed to guard the magasin with a strong guard constantly kept up, the readiness of the Country as well as the Militia of this Town to perform this service I can not omit mentioning with great pleasure and with no less satisfaction. I can inform your Excellency we have never yet had reason to doubt any person in this County Perquimans, Pasquotank, or Currituck having any hand in the conspiracy at least none are yet impeached or even suspected. Last night Mr. Brimage was brought under guard to this Town from New Inlet and was committed to gaol. He with

one Smith had got acquainted with a certain Campbell, as he called himself, who said he was Lieut. of a man of war, and were endeavouring to get on board one of the ships at Virginia the two former were taken, the latter stole a boat and made his escape, Smith is bound over. I would now send your Excellency a copy of the depositions with proceedings thereon, but have really not time to have them copied. I saw some time ago I think about the middle of June last a letter to your Excellency from Mr. Bondfield with his resignation as Judge Associate of the Court of Oyer. We shall have many unhappy devils to take their trial for their life next Oyer Court and as I have not seen any new Commission I must confess I feel myself deeply interested in this matter. Your Excellency will see, and I dare say view the present situation of this Country in as deplorable a light as I do—an exasperated Jury and a Lay Judge, my God! What may we not expect? Law should be strictly attended to, severity exercised, but the doors of mercy should never be shut—would a good Lawyer act at this time I am convinced it would be a great means of giving dignity to Courts, strength to the Law, and restoring union to this distracted Country. Had the Assembly thought proper last time to have appointed Mr. Johnston he assured me then he would have acted, on that subject I have not of late conversed with him.

I have the Honor to be

Your Excellency's most obed.

and very H^{ble} serv't.,

ROB. SMITH.

ROB. SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 31st July 1777.

SIR:—

This letter you will receive by the hands of Mr. Millan a merchant of this place, he is a Gent'n for whom I have ever entertained a friendship and who has ever supported a good character; but from the alteration of times wants to depart the country. He was cited under the Act of Assembly to appear next Court to take the oath, and came before me and engaged he would make his appearance—he has now a vessel almost ready to sail in which he

wants to take his passage, and would be glad, were it consistent with the line of your Excellency's duty, to have your permission so to do. His Capt. one James Ferguson who has sailed and served, in Mr. Hewes' employ and mine these ten years and behaved well, has been out and brought in salt since these disputes began and was intended to go on the same errand again, hath been cited and stands in the same predicament with Mr. Millan. I do not know how far their case may differ from the others, or whether their departure might not satisfy the law—this I submit to your Excellency—could they with propriety have liberty to depart I should be exceedingly happy. I now once for the whole beg your pardon for the freedoms of this morning, and have the Honor to be

Your Excellency's most obed.

& very H^{ble} Ser^t.vt.,

ROB. SMITH.

P. S.

Should you have any papers from Council to forward Mr. Millan will be a safe hand. The Court's Laws are exceedingly wanted.

R. S.

To His Excellency Richard Caswell.

ROB. SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 31 July, 1777.

SIR:—

The bearer, Mr. Alexander Gelatly, I have been well acquainted for a number of years. He has acted here as Register, and in several other capacities, in all of which he discharged his duty well and faithfully. He is, and ever since I knew him has been a most inoffensive character, and a very useful one. He carries certificates from the Clerk of this County for John Weir, Alexander Clarke, William Knight, James McClain, and John Baggs, and James Henderson, who were all cited last Court to take the oath. They chose rather to leave the Country than to do so. They, some of them did not come under the Act of Assembly I believe, and considered themselves pointed at. They are all men who have supported very fair characters, have ever been peaceful citisens,

and borne their share of all public duties assigned them, but refused the oath of Government, and therefore entered into a recognisance to leave the Country agreeable to Act of Assembly—the time's near out, and they wait on your Excellency for your permission that they may depart the country. However different Mr. Gelatly's political opinions may be from mine, I think I can answer for the integrity of his heart, and I do believe *he* acts from principle. Any thing your Excellency can do consistent with the line of your duty to facilitate the departure of him and the others on whose behalf he appears would be conferring a favour on your Excellency's

most obed. & very Hble serv't.,

ROB. SMITH.

His Excellency Richard Caswell.

FRED'K. HARGET TO GOV. CASWELL.

[From Executive Letter Book.]

TRENT, Aug't, 2d, 1777.

HONO'D SIR:—

Col. Williams desired me to call on you yesterday as I came from Halifax. But I understood you was not at home I declined and have taken this opportunity to inform you that the Col. would be extremely glad you could ans'r his letters, as the officers and men are waiting with impatience for orders from you, and are not march'd from Halifax. What Light horse men march'd are returned to Halifax, and, as the commanding officer of the Light horse, saw a man who came from the back Counties, who on his oath before a Justice of the peace declared that the people were all quiet and no disturbance among them, saw proper to return, (after riding thirty-five miles).

I am, Sir, your obedient & very humble Serv't.

FRED'K HARGET.

His Excellency Richard Caswell.

JNO. BRYAN TO GOV. CASWELL.

[From Executive Letter Book.]

SATURDAY, ye 3^d of August, 1777.

DEAR SIR:—

We have an account from Cross-Creek by Mrs. Glassbee, mother to Dugald Campbell, a liver in Cross-Creek, and left that place last Tuesday morning. She lodged at Capt. Randall's night before last, & informed him that there was when she left that place above a hundred men in that town in arms, and on her way she met great numbers in large companies on their way to Cross Creek, she imagines about five or six hundred. Mrs. Glasbee is now gone to Newbern. Capt. Randall will be with you himself as he told me last night Capt. Hargett returning and the regular Troops not marched as I believe you thought had. I feared it might be of bad consequence caused me to trouble you with these lines.

Sr your humble servant,

• JON. BRYAN.

MAJOR D. BARROW TO GOV. CASWELL.

[From Executive Letter Book.]

NEW BERN, Aug't 4th, 1777.

DEAR SIR:—

Yesterday Lieut. Shaderick Fulcher returned from Ocacock to which place agreeable to your order I dispatched him after Mr. Brimage, who had the day before he got down to the Bar been taken into custody by Capt. Anderson, in consequence of information he rec'd from the Justices at Edenton. The night before Fulcher arrived at Ocacock, Brimage being on his parole made his escape to Roanoke Island, where he was taken up by John Mann of that place and conveyed to Edenton. Enclosed is the number of men Lieut. Fulcher by my order had with him, and as I am at a loss what to allow them, I hope the Gov'r. and Council will make them a generous allowance, as they undertook this expe-

dition with much cheerfulness, and returned in as short a time as could be expected.

I am, Dear Sir, Your mo. ob. serv't.,

D. BARROW.

Lieut. Shaderick Fulcher }
 John Smith, Pilot. }
 Mathew Wise }
 Beverly Rew }
 Southy Rew }
 Major Tuly }
 Boat line. }

For seven days, who found their
 own provisions and other expenses.

His Excellency Gov. Caswell.

COL. JOHN SIMPSON TO GOV. CASWELL.

[From Executive Letter Book.]

CHATHAM, August 4th, 1777.

SIR:—

In obedience to your orders I have caus'd a division of the Pitt Regiment of Militia to be made per copy inclosed. I could not possibly have it done sooner and am glad to have the pleasure of informing your Excellency that it seems agreeable to nine tenths of the Regiment. I promised myself the pleasure of waiting on your Excellency with my return, but am too weak to venture, we have sent to Halifax in hope to get the Laws for our better government. Should ye Militia be ordered out, what are we to do for arms? Some have sold to the public, numbers of young men are added to the Regim't who have not had it in their power to purchase, others have had them impress'd for them into the service of the Country, and can get no satisfaction for them although they have never been returned. That makes our Regiment appear not so well accounted as I could wish. I had made out field return of the Pitt Regiment Militia for the General Muster before the last Assembly, & expected some of our members would have carried it to your Excellency, but the turning Major Gorham into the ranks when there was a vacancy he would have accepted, can be of no solid satisfaction to the contrivers. Excuse my digression, & I rest

Your Excell'cy's hum. Ser't.,

JOHN SIMPSON.

MAJOR. WM. LEE DAVIDSON TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP QUANKEY, August 4th, 1777.

SIR:—

I received your orders with the Proclamations inclosed on the 16th July, and marched the 19th from Salisbury. The 29th I arrived at Head Quarters. The next day I made a return of the Regiment to the Commanding Officer, which I suppose has been transmitted to your Excellency before this time. I find there was a small mistake in the return: there are three privates more than the return amounts to. I put up the proclamations agreeable to your instructions and was extremely glad to see them as the recruiting service has been much discouraged in the back country by some of the first Militia officers, notwithstanding which there are men to be got there at this time, if proper officers with money were sent there for that purpose. I think proper to acquaint you that all my recruits were inlisted by Capt's. Cole & Goodman, Lieut. Moslander, Ensign Gillaspee, and a certain Robert Hays, a cadet in the fourth Regiment, who inlisted five. I think he will make a good officer. I wish to know whether he can obtain a certificate, or no, as he is recommended by a Board of Officers. The other officers had no money, but I think might have been more active in taking deserters. Capt'n Phillips has got his recruiting money; therefore I have sent him out again. I left Capt. Coles for the same purpose. I take this opportunity to express my thanks for the particular account your Excellency was pleased to give me of General Howe's retreat. I had almost forgot to mention that Capt. Pollock is dead, and that there are a number of other vacancies in the Regiment. I am with much esteem,

Your Excellency's most devoted and hum'le Ser't.,

WM. LEE DAVIDSON.

GEN. JOHN ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, 4th August, 1777.

SIR:—

I take this opportunity by Mr. Craike to inform you that I have ordered the New Hanover Regiment consisting of two hundred and

twelve men, who have been upon duty here, to be discharged except one Compⁿ of fifty men out of the first number of draughts, which are to be continued as a guard on the magazine until further orders from your Excellency. The only Intelligence I have been able to obtain of the Insurgents is from Col. Robeson, who writes me that Mr. Walter Gibson informed him that on the 28th ultimo he was at Cross Creek, when about one hundred of them came in from Duplin, and that the people of the town had stopped them by selling them salt at 40 shillings p^r bush¹, and that five hundred more came in the evening of the same day from the back Counties. I have not as yet received returns from any of the Col^s of this District of the draughts of their Regiments. As soon as they come to hand, I shall lose no time in forwarding them to your Excellency.

Your Excellency's most obed. & Hum. servant,

JOHN ASHE.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, August 5th, 1777.

DR SIR:—

Yesterday your Favour of the 15th ultimo came to hand enclosing a letter from Capt. Caswell, which shall be immediately forwarded to him, and you may be assured that every possible attention will be paid to him by me, with the greatest pleasure. I have written to you on every subject which you suggest in your letter, by many appointments, and am much concerned to find they had not reached your hands before the date of your last. I hope however you have received them long before this, and you will perceive by them that I have paid the most early and diligent attention to your commands.—The business relative to Col. Sheppard's Battalion and the Artillery Company underwent no delay except what was absolutely necessary for the several references and reports incident to the War Department. The result on both was, the Battalion was taken into Continental pay as one of the 16, (the stipulations being observed), the Company also taken into pay, (but not annexed to any Battalion), and both are ordered to join the Grand Army without delay. The Resolutions relative to these were transmitted to you both by the Board of War and by

me, and inclosed duplicates of that relative to the Battalion. I am much concerned that the money has met with such unexpected delay: but I assure that so soon as I heard of the determination of the Assembly, I took the only step then in my power to expedite the transmission of it; which was to give notice to the Treasury that I daily expected to demand of them the balance of the 500,000 dollars. But the constant and pressing demands render this precaution ineffectual, because the Military Service would admit of no delay, and the Treasury were obliged to pay out what was reserved for our State, and not having the Resolve of the Assembly, I could not interpose to prevent it. When Mr. Penn arrived, the Treasury here was exhausted, and we were obliged to apply for an order on the Treasurer at Baltimore; this occasioned every delay and difficulty: the ordinary mode of transmission by the Board of War could not take place, and we were obliged to apply to General Nash for an officer to take charge of the money when delivered by the Treasurer. The Officer received from us his instructions on the 11th July, and we have since heard nothing more of him, but presume he has before this arrived in your State with three hundred thousand dollars and some proc. which Mr. Penn charged him with. From Mr. Penn's having with him the Resolve, and from some other circumstances, I concluded he was chiefly expected to transact this business. This however did not prevent me from giving the most diligent attention to it, and I can assure you that no unnecessary delay happened after his arrival here. For, although he undertook to do that part of the business which respected the Treasury, and I what respected the Board of War, yet I gave the strictest attention to both, nor did I perceive him in the least remiss.

As the post is just going out I have not time to add any thing more to this letter, except that we have been for some days under expectations of an invasion of this State. The enemy's fleet sailed from New York, as you will see by my last, and they soon appeared off the capes of Delaware: after hovering there several days, they steered away, but it is not agreed what cause. Gen. Washington is here, and great part of the Army encamped in the neighborhood. The movements of the enemy have disappointed both Whigs and Tories. The latter wished for them in order to their subduing us, and the Whigs wish for them in full confidence, that

we shall give them a warm reception, and an effectual check. It is now pretty generally thought that they have no design on this city, and that their principal object is to establish a communication by way of Hudson's river, between the sea and the Northern States. A gloom still hangs over our affairs in the Northern Department, and we are using our best endeavours to remove it. Nothing interesting has transpired there since my last. You shall have the earliest intelligence of anything that is worth your attention.

I have honor to be
your Excellency's very obd't. Serv't.,
THOS. BURKE.

ROBT. ROWAN TO BRIG. GEN. JOHN ASHE.

[From Executive Letter Book.]

CROSS CREEK, July 30th, 1777.

SIR:—

I just now received your dispatches for the commanding officer of this County, by express from Bladen, and am preparing to forward them with the utmost expedition. We have had various reports here lately of the Guilford and Chatham people's intention of mobbing us for salt, but the real design of these people may be what you apprehend in your letter. I have the pleasure to inform you, Sir, that this morning with a small company of volunteers I quelled a mob of about 140 persons collected from the Counties of Duplin and Johnston. They came here with a design, as they acknowledged themselves, of taking the salt by force, and paying what price they thought proper, from ten shillings to two dollars p^r bush'l, and did not expect to meet with the least opposition. Some made their escape on finding they were to be opposed, but we seemed the greatest number, & upon their taking the oath to the State, and appearing very penitent, we allowed them what salt they wanted, at the market price, which is 5 dollars, and discharged them, I would be glad, Sir, if you would inform his Excellency as soon as possible that one of their leaders was a new-made Justice in Duplin, by the name of Page. The Scotch have refused taking the oath almost to a man. We have sent to his Excellency

for leave to raise a company of Light Horse. I have a company of about 40 volunteers who, I believe, will stand by me to a man against any mob.

I am with respect, Sir,
your most obed. Serv't.,
ROB'T. ROWAN.

Brigadier Gen'l. John Ashe.

GEN. JOHN ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

August 5th, 1777.

SIR:—

After I had enclosed my letter of yesterday to your Excellency, the enclosed letter from Capt. Rowan amongst other dispatches from Cumberland and Bladen was delivered me. As it contains the amount of the content of the others, and things necessary for your Excellency to be acquainted with, I have enclosed it.

I am with due esteem and respect

Your Excellency's most obed't. & very Humble Ser't,
JOHN ASHE.

DR. THOMAS BURKE FROM GEN. ALLEN JONES.

[From Executive Letter Book.]

HALIFAX, Aug 6th, 1777.

DEAR SIR,

I have to acknowledge the favor of yours of the 10th ult. with the newspaper. I assure you no reverse of fortune can possibly damp my spirits or occasion any despondency, so thoroughly am I convinced that time and America must overcome all opposition. I am happy in finding my thoughts to agree with yours, as to the mode to be pursued in carrying on the War, and wish from my soul, that the Congress may have the wisdom to adopt the counsels of my friend. But Envy, most accursed Demon, linked with self interest, frequently blast the best intentions.

Before now, I make no doubt that you have heard of a most accursed plot in favor of the British Tyrant. It was to have

broken out with the assistance of the leading men in every County, and afterwards none were to be spared but such as repaired to their Standard. Heaven blasted the design, and our prisons confine some of their leaders, though some of the most atrocious are not yet taken.

The great Mr. Brimage is in Edenton jail, being one of the heads of these Cut throats, also his father-in-law, one Black John Stewart, likewise a brother of Tom.

I make no doubt but hanging, about a dozen, will have exceedingly good effect, in this State, and give stability to our new government. They seem to have been designed for this purpose by Providence. Mr. Eaton on my application to him tells me that Mrs. Burke wrote to him not to finish the carriage and that now it was quite out of his power owing to the want of workmen and materials, so that your wisest step will be to get one where you can, for I assure you it is become very difficult here.

I shall take the utmost care of your letters, and send them by the first opportunity. You may believe me, when I tell you, that I am with esteem and affection, Your Sincere Friend,

ALLEN JONES.

DR. THOS. BURKE TO GEN. NASH.

[From Executive Letter Book.]

PHILADELPHIA, Aug. 16th, 1777.

DEAR SIR:—

Yesterday Lieutenant Col. Patton delivered me a paper signed by the field Officers of your Corps. It relates to the promotion of Col. (now General) Hand, and has in it the following paragraphs: "The merit of Gen. Hand, for what we know, may be very great and justly entitle him to the favor of Congress; but we believe him to be unknown to almost every person in North Carolina, except to Dr. Burke:—and such partiality for a country man, as we are informed, in preference to the Officers of the State he represented, whose prior claim to preferment from their long and many services, we humbly think, from Duty, demanded his support, we feel not only as a wound to ourselves, but consider it a reflection on that State which appointed us, and a stab to Military

honor throughout the Colony in general." Col. Patton on delivering it, declared that it had your approbation, and as it contains a scandalous charge of partiality, in the discharge of my duty, I cannot prevail upon myself to pass it over without particular notice. And considering the terms on which we have always stood with each other, the knowledge that you have of my private as well as public character, I can not be persuaded you would give sanction to an aspersion so injurious and dishonorable, and which you cannot believe to be just.

I think no man knows better than you, that Partialties have never found place with me. I must therefore desire to know from yourself, whether Col. Patton's declaration was right or not?

Among the names to this paper I am surprised to find Sumner, Polk, Hogun, Clark, Patton and Lytle, gentlemen of whom from my knowledge of them I had conceived an opinion particularly favorable.

Their behavior in this instance has determined me to forego all particular attention to them. I hope they will so distinguish themselves that their merit alone will be sufficient for their promotion, without standing in need of any assistance which I could give.

I shall be glad of your answer as soon as possible and am &c—
THOMAS BURKE.

GEN. GRIFFITH RUTHERFORD TO GOV. CASWELL.

[From Executive Letter Book.]

August ye 6th, 1777.

DEAR SIR:—

Having the opportunity of Mr. Sharpe's express am desirous to acquaint you that I received yours of the 15th of July, and have sent, according to your request to the Col's of the District, and desired of them that they return to me, by the 15th of this month, the complete number of their effective men. I had the return of the Brigade at the last Assembly, all but Burke County, and a few companies in some other of the Counties. The number I had returned was 8040, the number of the whole will be nigh 10,000. I would be desirous that your Excellency would let me know by the Bearer, whether I must send you the number as mentioned in

your letter—or if it won't do to make the return at the Assembly, as I have given you a nigh account of the number.

From Sir Your Humble Ser't.,

GRIFFITH RUTHERFORD.

GOV. CASWELL TO GEN. SKINNER.

[From Executive Letter Book.]

DOBBS, 6th Aug't, 1777.

DEAR SIR:—

I have this day received from the Continental Treasury for the use of this State three hundred thousand dollars, and as I wish the Troops to be immediately paid off that they may proceed to the No'ward, I am to request you will come out to my house in this County, where the money is lodged, to receive your proportion, as soon as you possibly can. I shall immediately send an express to Gen. Ashe, and imagine both you and he will be here by this day week.

I am &c.,

RICHARD CESWELL.

GOV. CASWELL TO GEN. ASHE.

[From Executive Letter Book.]

DOBBS, 6th August, 1777.

D^r. SIR:—

I have this day received 300,000 Continental dollars from the Treasury for the use of this State, and as it absolutely necessary that the Troops should be sent without further delay to the No'ward, and being paid off they can have no excuse to hinder their march, therefore in order to enable you to furnish the necessary sums, I am to request you will be pleased to come immediately to my house in this County, where the money is lodged, to receive your proportion. I have this moment wrote to the Northern Treasurer, who I imagine will be able to meet you here by this day week. From Cumberland I learn the people have been at Cross Creek to endeavour to get salt; I have not heard of their proceeding lower down the country. You will be pleased however to take the

necessary steps to secure the magazine at Cape Fear in your absence, as by the time you arrive here I presume the Council will determine on their advice to me respecting the magazine &c. As I hope to have the pleasure of seeing you in a few days, I shall defer saying any thing further at present, than that

I am with great respect & regard, Dr. Sir, Yours &c.,

RICHARD CASWELL.

GOV. CASWELL TO HON. JOHN HANCOCK.

[From Executive Letter Book.]

N^o. CAROLINA, 7th Aug't 1777.

SIR:—

This will be handed you by the Hon'ble Abner Nash Esquire, whom I beg leave to introduce to your acquaintance. He is Speaker of the Commons House of Assembly of this State, a Gentleman of character and property, and will entertain a proper sense of any civilities shewn him. I have the honor to be with the greatest respect and esteem, Sir,

Your most obed't. humble Serv't.,

RICHARD CASWELL.

GOV. CASWELL TO COL. JOHN WILLIAMS.

[From Executive Letter Book.]

KINGSTON, 7th August, 1777.

SIR:—

Yesterday the Continental money arrived here, and I have this day dispatched expresses to the Treasurers informing them of the same. I expect they will be here about Thursday next, when if you will direct such of the paymasters who are in camp to attend, 'tis probable they will receive money here to pay off the Troops, and in order to ascertain the sums necessary to be paid over for the use of each Regiment, you are required to transmit to me a pay roll for each Battalion made out to the 20th instant, by that time, I hope you will be ready to march. I have laid your return before the Council, and from their advice I am induced to order

all the Troops under your command, (except three of the Field Officers, and three officers viz. a Capt. a Lieut. & Ensign, belonging to each Battalion, which make in the whole thirty, who are to remain in the State to recruit for their respective Battalions,) to march so soon as they are paid off to join the Grand Army under Gen. Washington. These orders are given in consequence of the Resolution of Congress, and I have not the least doubt they will be attended to by you.

I am Sir, your most obed^t. Serv^t.,

RICHARD CASWELL.

WM. SHARPE AND WRIGHTSTILL AVERY TO GOV. CASWELL.

[From Executive Letter Book.]

SALISBURY, 7th August, 1777.

Having concluded a peace with the Overhill Cherokees, we now by express transmit to your Excellency a full Journal of our proceedings and all the transactions during the Treaty; by which your Excellency will discover the great complaints the Indians make of the encroachments on their lands; their desire for peace; & see with what reluctance they at last consented to give up some of their lands to this State.

By the little sketch of a map inclosed you will also discover the bounds of the pretended purchases under which the Watauga and Nolachucky people claim the whole district of Washington; and that the Indians have now given up about thirty miles down the River of Holston further than these pretended purchases extend. We have extended our Boundary line with the Overhills by several courses about thirty miles south of the Virginia line, and into a Ridge of the Mountains called the Unacoy or great Iron Mountain, which circumscribes the claims of those Indians on the South and East.

Your Excellency will also discover from this map, that there is, a piece of land of considerable extent lying between the Ridge aforesaid, & the Blue Ridge of the Apalachian Mountains which divides the eastern from the western waters, and which was the boundary between us and the Indians.

This piece of land lying between the two Ridges, and extending from the north east corner of the map to the Towns in the middle

Settlements, is claimed by the Indians inhabiting those Towns. And as it is of great importance for us to gain possession of so much of this land as to open roads and gain an easy and quick communication from our Frontier Counties to the District of Washington, on our own land; join our Settlements heretofore detached, and lay open a passage to the Overhill country; for these reasons, and in order that the remaining part of the Boundary Line may be established by consent of the Chiefs from every Town claiming a right: so as to leave no occasion of disputes hereafter; we have proposed a Treaty with the Middle Settlements, as in the Talk sent to those Indians and recorded in the Journal, and have left the time and place to Your Excellency and the General Assembly. Completing the Line will put it in the power of the latter to make laws for the effectual prevention of encroachments on the Indian lands: and it is become more necessary to extend and finish the Indian Line because that some Inhabitants have already settled down on the very head waters of the Nolachucky, Watauga, and New Rivers. The Treaty already held with the Overhills has cost this State very little: but we think it necessary to inform your Excellency that the Treaty proposed will be somewhat expensive, as a great number of Indians will probably attend, and they must be fed. It will also be necessary to rally a few Militia into service on the occasion, & provide some salt; some whiskey and Tobacco to smoke the beloved pipe around the Council fire, will be very necessary: and also belts and beads to confirm the transaction.

We are Excellency's most obed't. H'ble Serv'ts

WM. SHARPE.

WAIGHTSTILL AVERY.

WAIGHTSTILL AVERY AND WM. SHARPE TO GOV. CASWELL.

[From Executive Letter Book.]

SALISBURY, 7th August, 1777.

MAY IT PLEASE YOUR EXCELLENCY:

The Commissioners of North Carolina and Virginia who held the late Treaty at the Long Island, having made peace with the Over hill Cherokees and fixed a boundary line with them, consider that the extention of the line between the two States is now become

an object worthy the immediate attention of Government. How far the Executive of this State is authorized to go into this business without the concurrence of the Legislature we do not take upon us to determine. But this far we can inform your Excellency, that it would be the means of preventing many great disputes, and of enabling Government to punish all such as infringe on the articles of the Treaty, which otherwise cannot be done with propriety, as it is impossible in some cases to judge in which State the infringement might happen until the line is extended. We are clearly of opinion that this business might be done when the Indian boundary is run at much less expense than at any other time, as the same Commissioners, Surveyors and attendants might answer both purposes. And there appears a great necessity for many reasons that the line with the Overhills should be run out and marked immediately. Our Indian line begins where that of Virginia ends. They are determined to run theirs this fall; the Indians will be uneasy perhaps if ours is delayed; and it may be disadvantageous to have to call on them a second time from the nation. And when the Indian lines are finished, the line between the two States might soon be extended. The Commissioners of Virginia are of opinion with us, and have assured us that they will lay the matter before the Governor of that State.

We are sincerely your Excellency's most obedient Humble Servants,

WAIGHTSTILL AVERY.
WM. SHARPE.

WAIGHTSTILL AVERY TO GOV. CASWELL.

[From Executive Letter Book.]

SALISBURY, 7th August, 1777.

MAY IT PLEASE YOUR EXCELLENCY:

To excuse the liberty I take of naming Lieut. Col. Charles McDowell of Burke County as a person properly qualified for the business of an agent for making the necessary preparations for the Treaty with the Middle Settlements, before the next session of the General Assembly, if such Treaty should be appointed. Also the liberty of mentioning Mr. William Sharp and Col. Christo-

pher Beckman as persons as well qualified for running the Indian Line, and the Line between the two States, as any I can think of these parts. And it may be also necessary to add a third who is a better mathematician than either of them on the Line between the States, in case either of said Lines are run this Fall. I can assure your Excellency that I do not mention the above Gentlemen, or any of them, because they are my Friends, or that their appointment would confer any particular obligation on me, but only because I do not think of any others so well qualified in these parts. And there appears some necessity for appointing one of the late Commissioners of peace to be at the running and making those Lines agreed at that Treaty. And for the business of holding the new Treaty, I would recommend Mr. Hesekiah Alexander in the room of some two of the old Com'rs., an even number having been attended with some inconvenience.

I am your Excellency's most obed't.

most devot'd H'ble Serv't.,

WAIGHTSTILL AVERY.

CORN'S. HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, 11th August, 1777.

SIR:—

I have been honored with Your Excellency's favour of the 15 July which you will be pleased to accept my acknowledgments. I took the small-pox by inoculation at Port Tobacco in Maryland which detained me three weeks at that place, tho' I had it in a very favorable manner; I did not lie down one minute for it. The money your Excellency is so anxious about Mr. Penn tells me has been sent long ago; an officer went off to take charge of it. I do not find however whether it is certainly gone or not, as the Treasurer has not yet acquainted Mr. Penn with it. We expect every hour to hear from Baltimore about it. I should have wrote you sooner had I not been waiting to give you a certain account of the destination of the British fleet which sailed upwards of three weeks ago from Sandy Hook, with Gen. Howe's army on board. Everybody believed their intention was against this city, which was also

Gen. Washington's opinion by the movements in our grand army under his command, which has been some time encamped at Germantown. Yesterday morning our army begun their march towards N. York Government. The evacuation of Ticonderoga, and the success of Gen. Burgoin since that event has thrown the people and army in that State into great consternation which they have not as yet recovered from, this, together with the tardiness of the New England Militia make our affairs wear rather a gloomy aspect in that quarter. Gen. Gates is gone to take command of our army in the Northern Department, & we have great expectation from that Gentleman's military abilities that an immediate change will take place, as the New England people have a high esteem for him. The uncertainty of Gen. Howe's intentions has hurt our affairs exceedingly, by harassing our army by unnecessary marches. The N°. Carolina Troops are in high spirits. I have seen some of the officers. I inquired particularly after Capt. Caswell who is in good health and spirits. Gen. Nash with his Brigade is stationed for the present at Trent Town. Mr. Burke talks of returning home the beginning of the next month. I tell him he will not be suffered to stay long in N°. Carolina, which is indeed my wish. I am sorry he is under the necessity of going. I beg your Excellency will be pleased to present my most respectful compliments to the Gentlemen of your Council. I shall keep this letter open until the setting off of the post, and shall communicate to you any further intelligence which may be received concerning Gen. Burgoin and Howe's operations.

I am with the greatest respect,

Your Excellency's most obedient

& very hum^l Serv't.,

CORNS. HARNETT.

ROB. SMITH TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 13th August, 1777.

SIR :—

The politeness of your last address I ought more fully now to acknowledge, had I time to do it; but as I did not before this moment know of the Brigadier's setting out. I have not time to

mention any more than that I extremely distressed about the King Taminy. By heaven, I do not know what to do. Were she mine I would have burnt her long ago, rather than had the complaints on me she has occasioned,—For God's sake believe me.

Gen'l. Skinner will inform you of the situation of Dauge. I have done, and shall do all in my power to further his march. Your Excellency will likewise be informed of Legate's being now secure in our gaol, &c., &c., I have the honor to be

Your Excellency's most obed. Serv't,

ROB. SMITH.

GOV. CASWELL TO WILLIAM TAYLOR, ESQ.

[From Executive Letter Book.]

DOBBS, 13th Aug't, 1777.

SIR:—

Capt. Alexander Outlaw has informed me he was bound over by you to appear at the Wilmington Court of Oyer to answer some matter alleged against him for passing counterfeit money: in this particular I have only his own story, which if true, I should suppose no proof of any consequence will appear against him. Yet he seemed apprehensive that his wishes to serve his country in the character of a soldier would be impeded and in effect prevented by those he called his enemies endeavoring to get him bound from court to court to harass him & prevent his going out of the country if there should be a call. I therefore told him, admitting his own acc't of the matter to be true, that if he would enter into the service of this country and use his weight & influence in the recruiting business, I would endeavor to, put a stop to any litigious prosecution against him. He in compliance therewith did enlist himself and prevailed on many others to follow his example in that particular. If his crime is not of too atrocious a nature to admit of this indulgence, you I presume, for the good of your country, will think it expedient to comply with my proposal to him, so far as falls within your power. However, as you have examined the proof against him, you are certainly the best judge whether he merits this indulgence or not. My only wish in the case was, and is to serve the public.

I am &c,

RICHARD CASWELL.

GOV. CASWELL TO JUDGE SAM'L SPENCER.

[From Executive Letter Book.]

NEWINGTON, 13th August, 1777.

DEAR SIR:—

Your favors from Col. Blount and from Halifax I have received. I should have been glad to have the pleasure of your company here on your way to Halifax; but under the circumstances you laboured, I could not expect it. In consequence of an affidavit made by Dr. Burke against Alexander Outlaw, which I had the honor to receive from you, the latter appeared before a magistrate in this County, when I was present, there are several other charges against him of a similar nature, he told me himself; but with confidence assured me, that he was not under the least apprehension of any of them affecting his life; indeed I think, from the nature of our Constitution, any charges against him prior to the formation of that could not, with any degree of propriety be punished. However, these matters must be left to you and others, whose business it is to determine them in a judicial way. Outlaw told me he was desirous of entering, as a soldier, in the service of his Country, and that by his example and diligence in the recruiting business he thought he should be able to render essential service to the common cause; but although he had weight with the common people, he had many enemies among those who looked on themselves in another class, and those, the latter, he was apprehensive would use their best endeavours to get him bound over from court to court, or perhaps restrained of his liberty altogether, for so long a time as to render his endeavours altogether futile in respect to his public service. At the same time he assured me that if I would permit him to go into the service, tho' he had been, and now is, a Captain in the militia service, & in the course of the present disputes had frequently turned out at the head of as large a company as most of those who have been carried into the field, he would enlist as a private, thinking he could in that character, be of more service in the recruiting business, and that, if by his conduct he in time should merit promotion, he did not doubt he should obtain it. I considered Outlaw's case and suffered him to enlist; and he has really been of considerable service, being very active and industrious he has prevailed on many others to enlist. In short, Sir, his conduct has

been such as to cause me not to regret the indulgence I have given him, but to solicit your good offices, so far as is consistent with your duty as a Judge, in his favor, I persuade myself his future behaviour will be such as to wipe away any bad impressions his past may have occasioned.

I am &c.,

RICHARD CASWELL.

P. S. This incorrect scrawl you'll excuse, when I tell you the little time I have been writing it, was borrowed from my Indigo works, where I have no person to attend who has any judgment at all in these matters.

GOV. CASWELL TO THOMAS CRAIKE, ESQ., COM. STOR.

[From Executive Letter Book]

KINGSTON, 14th, Aug't, 1777.

SIR:—

Captain Silas Stevenson with a detachment from Col. Sheppard's Battalion is ordered, in obedience to an order from the Governor & Council, with four carts & three wagons to Wilmington, there to receive such of the powder belonging to the public as is over & beside one ton weight; which is to be detained there. The carts are to bring half a ton weight each, and the wagons one ton. If there is not powder sufficient to load them, deliver Capt. Stevenson as much shot and lead besides as will complete the loads to each wagon and cart, as above. You will be pleased to see that every cask containing powder is put in good order when delivered; otherwise it will be useless to the public to attempt its removal. You are also to furnish covering for such of the wagons & carts as are without. And any assistance this detachment may stand in need of I flatter myself you will cheerfully give them; therein you will particularly oblige Dr. Sir

Yours &c.

RICHARD CASWELL.

MAJ. WM. LEE DAVIDSON TO GOV. CASWELL,

[From Executive Letter Book.]

CAMP QUANKEY, 14th August, 1777.

SIR:—

The Bearer, Mr. Robert Hays, is the young man that I recommended to your Excellency for an Ensign's commission in the 4th Battalion. He was a stranger to me, until he joined the Regiment about six weeks ago: since which time, he has behaved himself as active zealous friend to his country, and has been very vigilant in the service. In my last I acquainted you with my success in the recruiting service, which would have been much greater, had he received money for that purpose. He waits on your Excellency to know if he can obtain a Commission. By a Gentleman directly from Philadelphia we are informed that seventy sail of the enemy's ships appear'd in Delaware River, and that Gen. Washington was crossing the Delaware at Cowell's Ferry Wednesday the 30th July, on his way to Philadelphia, with eighteen thousand men, and that Gen. Putnam remains to the Northward with six thousand.

Your Excellency's most humble & obedient servant,

WM. LEE DAVIDSON.

MAJ. HARDY MURFREE TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, Aug. 14th, 1777.

DE SIR:—

I rec'd yours by Mr. Shine, & do approve of his coming into the second Battalion, whenever there is a vacancy, & that I expect every day. I wrote to you last month, desiring Mr. Samuel Jones should come in the second Battalion as ensign, but have not heard whether you approve of him or not. If you do, I should be glad if you would send him a Commission before we go out of this State, as I gave him a certificate in the month of May to act till your pleasure was known in that matter. He is one of the Commissioners that was appointed by the Assembly to recruit in the County of Hertford for the Continental Battalions; but he never received any money, nor instructions, & did not enlist any men; but if you

think proper to give him an appointment, I intend to leave him in this State on the recruiting service, as I think he has more interest in that way than any Ensign in our Battalion. I am told one of our Ensigns intends resigning, and if he does I will acquaint you immediately, and get Mr. Shine appointed in his room.

I am Your Excellency's mo. Huml. Serv't.,

HARDY MURFREE.

P. S. I have now at this place 28 new recruits and 13 deserters, that I have inlisted and apprehended, since I have been on the recruiting service.

H. M.

CAPT. TILMAN DIXON TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP NEAR HALIFAX, Aug'st 15th, 1777.

SIR:—

I have to inform you, that on the tenth day of July a certain Thos. Rice was appointed an Ensign by order of Col. Will. Davis, in the first Reg't Continental Troops of this State. I therefore request the favour of you to send him a Commission, as soon as possible, agreeable to said appointment, the better to enable him for to proceed on our intended march.

I am with respect, Sir your very hum. Ser't,

TILMAN DIXON, Capt. 1st Reg't.

SIR:—The within Mr. Rice is a good officer & much approved of,

Your obt. Ser't.,

JOHN WILLIAMS.

JUDGE SAM'L SPENCER TO GOV. CASWELL.

[From Executive Letter Book.]

ANSON, 15th of August, 1777.

SIR:—

In my journey to and from Hillsborough Court in June last, I called at the Furnace on Deep River, which had, when I first saw it been blowing for some days, but on my return was stopped by

the melting of the hearth-stones. Curiosity as well interest in the welfare of the public led me to inquire into a number of things respecting that important concern. Among which I learn't the following particulars: that there is an immense bed of ore on vacant land extending about six miles in circumference, or two miles square, and the depth of it unknown; though it has been dug in some places from five to eight or nine feet deep; and the place where it has been hitherto dug is about a quarter of a mile from the Furnace. I saw some pigs run from this ore, which appeared to me the finest I had ever seen, and two of the head workmen told me they had never seen better iron in any part of the world. And one of them observed, that there was ore enough in that bed, to supply twenty furnaces for a hundred years, and the other spoke much to the same purport. It was mentioned to me on my way to Hillsborough, that a furnace erected on Rocky River, at about four or five miles distance from this bed of ore, might blow at all seasons of the year. But on my return I understood by some of the people near that river, that the mills which stood on that stream, had stopped for want of water, about the same time that the furnace would have blown out by the failure of water if it had not been stopped by the melting of the hearth-stone, the second time. The stream on which the Furnace stands is rather small, and liable to fail in the summer; but from all I could learn it will be sufficient for blowing about eight months in the year. But the present position of the water-wheel of that Furnace I learn is no ways proper or advantageous; it being so high in respect to the trunk which conveys the water to the buckets, that none of the buckets are filled, till they are almost ready to be emptied; whereas if the water took the bucket several feet higher in respect to the wheel, and nearly horizontal to the axis, the force or *momentum* with which the wheel is carried, would be twice or thrice as great as it now is. I saw the first hearth-stones that melted about the time of the public purchase of the Furnace from Mr. Wilcox; and also those that melted as soon as the metal begun to run freely in the time of the last Hillsborough Court, as the workmen told me. The Master-Founder of shot conducted me to a room where he showed me the moulds finished and ready for casting shot of the following denominations, vis, 9 pounders, 6 pounders, four pounders, three pounders, two pounders, one pounders and grape-shot in abundance; and for

casting pots of nine different sizes from one to ten gallons, waggon boxes, and Dutch ovens. In another room I was likewise shewn, by the master cannon-founder, the moulds for the following pieces of cannon, to wit, a 12 pounder, two nine pounders, two 6 pounders, two 4 pounders, and a three pounder. Mr. Mills told me that they had procured limestone at several places, and that he hoped a sufficient quantity might still be had, for melting the ore; but I did not understand that this was very plenty, or could he had at a very short distance from the Furnace. He likewise informed me, that if the Furnace had not blown out, they should have been in want of several things necessary for carrying on the works with any tolerable success, as, more hands, teams, nails, two tackels and a spare rope, for casting of cannon, &c. However I understand that the Furnace and Iron works have lately been put into the hands of Mr. Wilcox by the Commissioners heretofore appointed by the Public; that one of the principal workmen is gone; and that there is no probability that the other will long continue in Mr. Wilcox's employ. And if this should be the case, by all I can learn, it would be at this time very unlikely that Mr. Wilcox could otherwise supply himself with workmen, as they were so generally taken up and engaged in every part of the Continent. If therefore these works should be confirmed to Wilcox, I really very much doubt whether they would be carried on to any considerable purpose; in which the Public will be deprived of the benefit to be derived from works of the most interesting importance; whereas if it be kept in the hands of the Public, and hearth-stones that will stand the heat can be procured, (which undoubtedly may) it is inconceivable what benefit, utility, and safety might accrue to this State and some of our neighboring States by such a work as this, carried on thoroughly and judiciously for eight months in the year. By what I understand of the soap-stone (which I am told is plenty in the neighborhood of the Furnace), there is a great probability that it would fully answer the purpose for hearth-stones; but if this should not answer it would be well worth while to send to the Northward for stone that is sufficiently proved. I confess, when I viewed these works and considered their importance, it gave me real pain to think that this country should be one day delayed of sharing the advantages, safety and defence that would naturally result from a work of that nature well carried

on. Whether Mr. Wilcox has any foundation to complain of the treatment he has met with from the Public, will appear, when the enclosed interrogatories from Mr. Mills are answered, as he expects they will and which I found Mr. Ball was ready to answer in a very satisfactory manner. I have therefore taken the freedom to enclose them, as they tend to give a true state of that case.

I am with the greatest esteem and respect,

Your Excellency's most obedient, humble Servant,

SAM'L. SPENCER.

LT. COL. HENRY IRWIN TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, 15th August, 1777.

SIR :—

I have delivered to Col. Williams a list of the names of the officers and soldiers now in this State belonging to the 5th Battalion: it is impossible for me to make a pay-roll, as many of our officers are absent. Regarding officers of my Regiment staying in this State to recruit, I am afraid they will meet with little or no success, as very little has been done in the past: if agreeable to your Excellency, I think their stay will be of no advantage. As I do not know of what money has been advanced to each officer for the recruiting service, I can't make any settlement with them; I also am told that some officers of the 5th Battⁿ have resigned to you; as I can't account for their absence; shall be glad you will please to inform me if any have resigned to your Excellency. As my baggage &c has long ago gone to the Nor^{ward}, and an over number of officers are now agoing, I shall be much obliged to have leave to go through the lower parts of Virginia, as I have business of great consequence to settle in Suffolk, and, as I have had the small pox, shall be able to get to the place the soldiers will take it at before they get there. I shall be in Tarb^o when this express returns, will be thankful for an answer.

I am, may it please your Excellency,

your most ob^t serv^t.,

HENRY IRWIN.

COL. JOHN WILLIAMS TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP AT QUANKEY, 16th Aug^r, 1777.

SIR:—

You'll herewith receive pay-rolls of the different Battalions now assembled at this place; a number of the officers being absent when I rec'd your instructions, it was with difficulty I could get them made out. Col. Mebane and others of the field officers wishes to leave more than three officers for the recruiting service, and desired me to signify as much to your Excellency, and for my part I really would be glad we could, as I am inclinable to think persons are much fonder of entering into the service at this time, than they were some time ago, especially in the back parts; they begin to think we are an overmatch for the Britons. As several of the officers who had warrants on the Treasury were under the necessity of borrowing money to recruit with, and having it not in their power to replace the same, I hope money will be sent up for that purpose, as the credit of those Gent^l. is at stake. I beg leave to recommend Mr. Hugh Dobbins as a second Lieut. in the 9th Battalion (there being a vacancy): he is a very proper person, and a young Gent^l. of fortune. It is expected a number of our officers intend to resign before we march for the Grand Army; since your last instructions, I have refused to accept of resignations, until I could hear from your Excellency, and would be glad to be informed, whether or not it is proper so to do? And whether the officers left on the recruiting service are to wait on your Excellency for instructions or not? Should have transmitted a list of those Gentlemen had it been in my power to have obtained it, but as I before observed, so many officers being absent, it was impossible. As I am desirous of conducting myself, in every particular, consistent with the duty of my office, and the good of my country, I beg, your Excellency would do me the honor, to give me such instructions as may be necessary, that I may be capable of, (if attended to, which I assure your Honor I will endeavour to comply with) to walk void of censure;

I am with respect Your Excellency's mo. ob^t. H^{ble}. Serv^{nt}.,

JOHN WILLIAMS.

P. S. Being but two Capt^s. in the 2d Battalion, (to wit) Fen

nor, & Benj. Williams, it will not do to leave Fennor, & Williams is anxious of going, therefore wishes a first Lieut. could be left in his room.

J. W.

LT. GOV. JOHN PAGE, OF VA., TO GOV. CASWELL.

[From Executive Letter Book.]

WMS'BURG, August 16th, 1777.

SIR:—

The fleet which has been seen for some days past coasting along our Eastern shore, last night entered our Bay: it consists of upwards of 100 sail. We think it not only of immediate concern to this State to give you this information, but also of ye greatest consequence to ye United States in general, as we hope to receive considerable assistance from you, having on a former occasion experienced the readiness with which North Carolina afforded it.

I have the honor to be with great respect, Sir,

Your mo. obed^t. serv.,

JOHN PAGE.

GEN. ISAAC GREGORY TO GOV. CASWELL.

[From Executive Letter Book.]

CAMDEN COUNTY, 19th Aug't, 1777.

SIR:—

Mr. James Ferebee being appointed 2^d Maj'r in the Camden Reg't. of Militia, he being put over every Capt. in the Reg't, thought it might be disagreeable, gave his Com'n. up, and it was agrd on in our Court Martial that Mr. John Gray should have that Com'n as being the oldest Capt.; therefore I trouble you, if think proper, to send a Commission to him. Col. Dauge will take care to bring or send it down. The news here is that there is two hundred sail of shipping in Chesapeak Bay, expected to be part of Lord Howe's fleet.

I am Sir with due respect y^r ob^t. s^t

ISAAC GREGORY.

COL. JOHN WILLIAMS TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP AT QUANKEY, 19th Aug^t, 1777.

SIR,

We have no paymaster in camp: some time ago I informed your excellency that Mr. William Pasture, a paymaster to one of the Regiments, was at Halifax, and willing to undertake to pay off the Troops under my command, if he could be supplied with money for that purpose: he lives at Newbern. There is three or four vacancies in my Regiment, please inform me whether or not, you will fill up commissions to such as I should recommend to fill these vacancies.

I am your Excellency's
mo. ob^t. H^{ble}. Ser^t.,

JOHN WILLIAMS.

GEN. ALLEN JONES TO GOV. CASWELL.

[From Executive Letter Book.]

August 20th, 1777.

SIR:—

Agreeable to your Excellency's requisition I issued orders for a General Muster in the several Counties composing my Brigade but have not yet had a return, tho' I make no doubt of receiving them this week, and being ready to execute any orders issued by your Excellency. As the Continental Troops are to quit Halifax shortly and there are several atrocious offenders against the State in prison with many of their adherents at no great distance, I wish to have your directions as to the number of Militia necessary to have on duty; It appears to me absolutely necessary to have a full company if no more: but as you are well acquainted with the designs of the Tories, the importance of the magazines in town, and the necessity of bringing the conspirators now in prison to condign punishment, I make no doubt but your orders will be such as may prove advantageous to the State.

In the present scarcity of provisions I am apprehensive of meeting with some difficulty in dieting the guard, for no one will agree to find them for the stated rations. I therefore must submit it to

you, whether it would not be eligible to employ a person to buy provision for the men; and pay him a certain price for his trouble. I beg a particular answer;

and am with real respect & esteem

Your Excellency's mo. obed. Ser't.,

ALLEN JONES.

HENRY TOOMER TO GOV. CASWELL.

[From Executive Book.]

WILMINGTON, 21st August, 1777.

SIR:—

By Gen. John Ashe I have received your appointment as Commissioner: which I am much obliged to you for. Mr. Ashe told me he had no orders to supply any money; and the men is complaining much for the want of their pay. If any bond is required, one will be given to Gen. Ashe.

Sir, I am your very hum^{le} Ser't.,

HENRY TOOMER.

FRANCIS BRICE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, August 21st, 1777.

SIR:—

Two days ago I had the pleasure of opening Your Excellency's letter addressed to Mr. Craike, respecting the military stores to be removed from hence. I have not been able to send as much powder as to reduce the remaining quantity to one ton, owing to the impossibility of getting covering for the carts that came without, there being none in the store, nor even in all the town that would turn rain,—and one of the waggons being so indifferent as not to carry more than one thousand instead of two,—I delivered Cap^t. Stevenson nineteen barrels of Gun, 4975 lb. gr. 502 lb. Tr. ten pieces of lead w^g 2951 lb. and 1 ream of cartridge paper for the magazine at Kingston, also a few trifles for the tenth Battalion, for all which I have taken Capt. Stevenson's receipt.

I am with great respect Your Excellency's most obt. serv't

FRANCIS BRICE.

MAJOR J. B. ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP ON QUANKEY, August 21st, 1777.

SIR:—

From several authentic informations, and also by a letter from Doct'r Wilson, Surgeon of the 6th North Carolina Battalion to me this morning; it seems Field Officers in the Continental service rise by a Colonial line, & not by a Regimental one; by which mode of promotion, I am not entitled to my present command, but find on setting the rank thus, I shall be reduced from it: from which motive I am induced to request of your Excellency to indulge me in remaining in the State, till such time as I can have it confirmed from General Nash, to whom I have wrote on the subject. Upon your Excellency's reflecting on the disagreeable situation I shall be in there, after a reduction (however just) (and from your Excellency's great delicacy of feeling) I flatter myself you will indulge me in my wish: and what still leads me to believe there is such a mode of rising, is a letter from Lieut. Col. Lytle in camp, ten miles below Philadelphia, to a Gent'm. of the N. Carolina forces in that city, acquainting him not to furnish himself with a tent or any camp equipage, for he might have all this,—from which I conclude that Gentleman, who is in the same predicament with me, does not intend continuing in the service after his reduction. Your Excellency's answer with a compliance will be particularly acknowledged by, Sir.

Your very obed't. very Humble Serv't.,

J. B. ASHE.

GOV. CASWELL TO W. JONES, ESQ.

[From Executive Letter Book.]

DOBBS, 21st Aug't, 1777.

DR. SIR:—

Your favor of the 19th current by express, I have just received. The letter you enclosed me was from the Lieut. Gov'r of Virginia informing that "last Friday night the enemy's fleet consisting of upwards of 100-sail entered Chesapeake bay". I am obliged to you for giving Gen'ls. Jones & Butler notice of the arrival of this

fleet. I write to those Gentlemen, and beg of you the favor to forward their letters. It's no more than to request they will direct the 1st & 2d divisions of their respective Brigades to hold themselves in readiness to march at the shortest notice. I also write to Col's Eaton & Taylor requesting their attendance in Council at New Bern Monday 1st September. Be pleased to send those on with Gen. Butler's letter.

I am &c.

RICHARD CASWELL.

GOV. CASWELL TO COL. HAYWOOD.

[From Executive Letter Book.]

DOBBS, 21st Augth, 1777.

DEAR SIR:—

I have just received information from the Lieut. Governor of Virginia, by express, that 100 sail & upwards of the enemy's fleet was arrived in Chesapeake Bay, and intimating his expectation of being under the necessity of calling on us for assistance. I have written to the several General officers of the Militia to hold the 1st & 2d divisions of their Brigades ready to march at the shortest notice: but let the emergency be what it may, they can not legally be ordered to march but with the advice of the Council, I have therefore appointed the 1st September for the members to meet at New Bern, when you will be pleased to attend.

I am &c.

RICHARD CASWELL.

GOV. CASWELL TO HON. JOHN PAGE, LT. GOVERNOR VIRGINIA.

[From Executive Letter Book.]

DOBBS COUNTY, 21st Augth, 1777.

SIR:—

Your favor of the 16th current I this moment received, and shall immediately give orders to the officers commanding the Militia in

this State to hold the first and second divisions (which makes one half of the whole,) in readiness to march on the shortest notice. I have also appointed a meeting of the Council at New Bern the first of September, when I shall be glad to be favored with such intelligence as you shall think proper to communicate. I flatter myself this State will ever be ready to give her sister States every assistance in her power.

I am &c

RICHARD CASWELL.

TO THE GENERAL OFFICERS OF THE MILITIA—(CIRCULAR.)

[From Executive Letter Book.]

DOBBS, 21st Augst, 1777.

DEAR SIR:—

I have just received information from the Lieut. Governor of Virginia of the arrival in Chesapeak Bay of upwards of 100 sail of enemy's ships, and intimating his expectation of requesting the assistance of this State. I am therefore to request that you give immediate order to the first and second divisions of the drafts in your Brigade to hold themselves in readiness to march at the shortest notice. I have not the honor of a return from you since the late Militia law: the Council is to meet at New Bern the first of September, when, if practicable, you will be pleased to furnish me.

I am, Dear Sir, &c.

Your most obed. Serv^t.

PRESIDENT JOHN HANCOCK TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, August 22d, 1777.

SIR:—

The Congress having received intelligence from Virginia that

the fleet of the enemy were seen near the capes of the Chesapeake, on the 15th inst., and not knowing what may be their views upon the Southern coast, have come to the enclosed Resolve, earnestly recommending to you to have all the naval and military stores removed, with the utmost expedition, to places of greater security. I have the pleasure to congratulate you on the success of Gen'l. Stark, who commanded a party of two thousand mostly militia, in the Northern Department. For the particulars I beg leave to refer you to the enclosed printed account.

I have the honor to be with the greatest respect, Sir,

Your most obed't. h'ble Serv't.,

JOHN HANCOCK,

Presid't.

WILLIAM AMIS TO GOV. CASWELL.

[From Executive Letter Book.]

August 22d, 1777.

MAY IT PLEASE YOUR EXCELLENCY :

The most pressing necessity obliges me to dispatch this message to your Excellency for money. The Troops I'm informed are to march to the Northward in a few days, & it will be absolutely impossible for me to supply them, unless I can draw about £2000. I've already mortgaged my own property for the loan of a few hundred pounds, which is now exhausted. I've been the only acting Commissary and supplied all the Troops here since the departure of our army for the Northward. Your Excellency, seeing my distress, will, I hope, order that one of the Treasurers pay into the hands of the Bearer, John Webb, £2000, and I will be answerable for the same. I could not wait on your Excellency myself, having no person here that I can intrust my business with. I act for, & on behalf of my brother, Thomas Amis of Bladen, who was appointed Commissary to the third Reg't.

I am your Excellency's most obed't. & devoted Humble Serv't.,

WILLIAM AMIS.

Inclosed is an order on the Treasury.

GOV. CASWELL TO COL. ABRAHAM SHEPPARD.

[From Executive Letter Book.]

NEWINGTON, 22^d August, 1777.

SIR :—

When you received the very honorable appointment from your Country, to the command of a regiment to be raised by Gentlemen of your own appointment, from my knowledge of your own sentiments of the present measures taken by the British Tyrant and his tools in administration to enslave us, your assiduity, prudence, and conduct, as well as those of many of the officers you appointed, of whom I entertained the highest opinion, I was induced to believe you would not only be able to raise men to serve their country, but that the officers would be punctual in obeying orders. In the first I am happy to find I was not mistaken ; but, what shall I say to the latter ? I have, Sir, repeatedly required you would order the recruits to Kingston, your Head Quarters, where you was first ordered to rendez-vous. 'Tis true that three companies have appeared there : but these are from the neighborhood of that place, and could have been assembled in three or four days, whenever they should have had notice. I know you have sent written orders to some of the other officers, because I have seen them ; these were at a distance and required more time. But, Sir, a reasonable time has long since past, and I begin to think your officers, I mean such of them as neglect this essential piece of duty, of attending punctually to orders, are apprehensive, that there is no power lodged with the Executive of this State to order Continental Troops or that their appearing with their men at the rendez-vous appointed is merely intended for parade and show. You know, Sir, this is not the case : Congress have lodged proper power in the Governor of this State to direct the Continental Troops whilst here ; you also know my design in appointing the place of rendez-vous was not only because it was near the center of the State, and a healthy part of the country, but where I expected to see the Regiment frequently, and where they would, when altogether, get some knowl-

edge of discipline, and be preparing to march at the shortest notice ; in which by being so near me, my assistance could be had, and, if necessary, my authority more easily put in execution with their assistance : you likewise know, Sir, that I wanted to see your men together, to know what number of arms they have, whether any were wanting, and if Col. Dauge's party brings up the No. ordered from Edenton ; by having this knowledge, I certainly should have it much more in my power, than I now have, to give Congress an account of their strength, and manner of equipment, and they would themselves be better able to execute such orders as Congress, through me, might think proper to give. You are no stranger to their orders for your being in readiness to march ; you have also some knowledge of the enemy's designs upon Chesapeake, I have had further information from that quarter by express from the Governor of Virginia, such as would have induced me, had your Regiment been here, to have ordered them immediately to that State.

For God's sake, and your Country's sake, for your own honor and that of your Regiment, let me entreat you, nay order and command you, immediately to order your officers to repair to Head Quarters at Kingston, with such of their men as are, or can conveniently be, collected, without delay, and that Col. Dauge's party bring up the 300 stand of arms ordered from Edenton, if to be had ; and so soon as they are assembled you furnish me with a proper return of your numbers, arms, &c., and what may be wanting to equip you for a march. I hope I need say no more to spur you or your officers to the discharge of a duty in which your Country's interest and honor as well as your own are so essentially concerned.

I am &c.,

RICHARD CASWELL.

GOV. CASWELL TO GEN'L. ALLEN JONES.

[From Executive Letter Book.]DOBBS, 23^d Aug^t, 1777.

DR. SIR:—

I have received your favor of the 20th current. The subject matter therein must be laid before the Council, who are to meet at New Bern the first of September; their results thereon shall be communicated to you so soon as I possibly can. In the meantime I think it necessary to recommend to you the keeping up a guard of at least fifty privates, from your Brigade, with the necessary officers, to be relieved in such manner as you shall think proper on the prison and magazine at Halifax. As some of the prisoners at Halifax, I am told, are charged with offences committed in the District of Edenton, it will be necessary to remove them to the gaol there, under a strong guard, that you will be pleased to furnish from the militia. At the same time give me leave to request you will inquire into the charges against such, and not only send down the prisoners, but also the necessary papers, and give the Court such information respecting the prisoners' offences, as you may be able to collect. Mr. Bondfield refused to act as Judge in that district. I have lately sent a commission to Mr. Johnston, who I hope, under the present circumstances, will qualify under it. You will be pleased to direct provisions to be had for the guards upon the best terms you can, until you receive further advice from me. I think the method you recommend will be the most eligible. I shall be glad to be favored with your return in the time of the Council's sitting: at the same time will you do me the favor of furnishing me once more with an account of the expenses of the prisoners so far as have come to your knowledge. The account you formerly gave me I laid before the Assembly; what they did with it, I know not: but being called on by the Board of war for such account, I fear I shall meet with difficulties in procuring an accurate one. Excuse the trouble I give you, and believe me to be, with sincere esteem & respect

Yours &c.,

RICHARD CASWELL.

CORN'S HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, August 23^d, 1777.

SIR:—

I have the honor to enclose your Excellency a hand-bill published by order of Congress.—Gen'l. Stark has in some measure retrieved our affairs in the Northern Department: he is a Militia Brigadier from N. Hampshire, and has acquired great honor. The fleet of the enemy are arrived in Chesapeak Bay, what may be their intentions Congress is not informed, but are prepared, I hope, to disconcert their plan whichever way it may be pointed.

As Congress seem at present inclinable to fortify sea-ports at the Continental expence, I could wish your Excellency would be pleased to forward to the Delegates of your State, the plans of Cape Lookout Bay and of C. Fear river. I hope for the assistance of Congress in this business, I have, ever since I arrived in this City, proposed to my colleagues to write official letters jointly. This has not as yet been thought necessary. I only therefore can lay before your Excellency my own crude and indigested thoughts on subjects as they occur to me. Would it not be advisable to collect the arms dropped by our Battalions in Virginia and Maryland? Perhaps an application to the Governors of those States would effect this purpose. Bad as those arms are, they are better than none. Gen. Howe by his late manœuvres seems to have acknowledged the superiority of the American Forces. I should not be surprised, if in future he should continue to alarm us in different quarters. He may by these means distress the States, but I trust he can not conquer them by this kind of war.

I have heard of the intended insurrection in your State, and that Felix Kenan was at the head of it, I shall be much obliged to your Excellency for the particulars of that affair.

I am with the greatest respect,

Your Excellency's most obed^t. & very hum^l. Serv^t.

CORN'S. HARNETT.

GEN. JOHN ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

ROCKY POINT, Aug't 24th, 1777.

SIR:—

I arrived safe with my charge the 18th inst. very ill with a fever the whole journey. I have enclosed, agreeable to your desire, an account of the bills drawn on the Continental Treasury, also Col. Long's receipts as he desired. Your Excellency's favour of the 18th inst. came safe to hand, in pursuance of which I have appointed Mr. George Moore Junr. to receive the guns, stores, & implements belonging to the artillery in the hands of Capt. Vance, and gave him a receipt for the same, and to take an inventory, which I have directed to be signed by each of them, and sent me, in order to be forwarded to your Excellency, and have ordered a guard of fifty men on the artillery and public stores, which I thought small enough, considering the situation of the place, and the number of malcontents in and about Wilmington, and that daily resort there: but if your Excellency should think this too large, you'll please to signify what number you think sufficient, & they shall be reduced. The short time each relief of the Militia will be on this duty will render it impracticable for them to acquire any knowledge in the use of the artillery, so as to be useful to the State, should it have occasion for it, I would submit it to your Excellency and the Council when they next meet, whether it would not be more eligible to appoint a company to be raised without the charge of a bounty, at two shillings or two shillings & six pence a day with rations, to be in constant service till the end of the next session of the Assembly, and deemed a provincial artillery company, who, by, their length of service, will acquire a knowledge that may be useful to State if they should be called out. If this should be your Excellency's opinion, & the Council should come into the measure, I would beg leave if your Excellency has no particular person in view for the command, to recommend the person I have already appointed, & just to mention that Robert Bannerman, & Rowland Jones as

persons I think would do for 1st & 2^d Lieuts. and be useful even in recruiting men for such company.

I am with due esteem & respect,

Your Excellency's most obed. & humble Servant,

JOHN ASHE.

25th Aug't. Col. P. Alston came late night & gave me the inclosed deposition.

SAMPSON MOSELY TO GOV. CASWELL.

[From Executive Letter Book.]

MOSELY HALL, Aug't 25th, 1777.

MAY IT PLEASE YOUR EXCELLENCY :

A few days ago a ship arrived here as a prise taken by Capt. Meredith of this port. She was bound from Mississippi to Jamaica.

I some time ago sent to a gentleman in New Bern to procure my Commission as Judge of the Court of Admiralty for the port of Brunswick, also the directions laid down by the Continental Congress for the Admiralty Courts, and to send them to me : his answer was they were not yet arrived from Congress.

As I am at a loss in what manner to proceed without those directions, permit me to request the favor of your Excellency, if you are in possession of them, to direct your secretary to furnish me with them pr Bearer, as also my Commission ; as I do not know the charges, I enclose ten dollars, which if not sufficient, be pleased to advise me, that I may send it pr first opportunity.

I have the honor to be with the greatest respect,

Your Excellency's most obed. & very hum. Serv't.,

SAMPSON MOSELY.

DR. THOS. BURKE TO GOV CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, Aug. 21st, 1777.

DR. SIR :—

I have been in daily expectation of setting off for the Southward

for some time past, and therefore have omitted writing to you, and indeed we have not until very lately had any thing to write about. At length the campaign begins to be active, and I am, though exceedingly anxious to get home, induced to defer my journey until something material shall happen between the two grand armies who are now approaching each other. After many unaccountable movements the fleet and army under the Howes has reached so far up Chesapeake as to have their rear above Baltimore, and their van a good way into the Susquehanna. No accounts are yet received of their landing. General Washington has already marched with a gallant army composed of Southern Troops to oppose them; and a few days will bring him in sight of them. He will we hope be powerfully supported by the brave and martial militia of Maryland and Pennsylvania. In short, Sir, our hopes are now very high that a capital blow will be given to the enemy in every quarter. Burgoin already feels the force and spirit of the New York and Eastern Militia. A choice body of 1500 men were encountered by about two thousand New Hampshire Militia, and routed with the loss of 2 hundred killed and taken with all the artillery. Another brave action was fought by a party of New York Militia, who, tho' surprised by an ambuscade, fought with most obstinate perseverance from nine until three o'clock, when the enemy were forced to retire, having suffered great slaughter. What renders this action remarkable is, that, upon the first surprise 200 out of 700 were panic-struck and fled; the commanding officer was wounded, and many brave officers were killed very early in the engagement, yet the men, with a courage that would do honour to the best veterans in Europe, sustained the engagement under every disadvantage, and under a very bloody slaughter, until they gained an undisputed victory. The particulars of these actions you will find in the inclosed papers, and I touch upon them here only because I deem them happy presages of the accomplishment of what I have always hoped and wished for, that our militia might become good soldiers. Happy improvement! What foreign force or domestic ambition should we then have any thing to fear from? General Nash with his Brigade has passed through this City, and they appeared very well, I saw Captain Caswell, he is well, but had no time to talk with me. I wish, Sir, I could tell you the Con-

gress improve in wisdom and virtue: but as I hope soon to see you, I shall reserve what I have to say of them.

I have the honor to be, Sir,

with greatest respect and esteem,

Your ver obd^t. hum. Ser't.,

THOS. BURKE.

Governor Caswell.

P. S. The Enemy are landed near the head of Elk.

GOV. P. HENRY, OF VA., TO GOV. CASWELL.

[From Executive Letter Book.]

WMSBURGH, Aug't. 26th, 1777.

SIR:—

Yours to the Lieut. Governor I have had the pleasure to see this day. My conjecture is that the enemy intend to form lines of communication from the waters of Chesapeak to those of Delaware. For this purpose they will go to the head of the Bay, and so attempt to make a conquest of that great peninsular form'd by the ocean and the Bay. At first view this looks as if all the people there would be in a pound, and the enemy will try to propagate this notion. But on reflection it will be found practicable to throw Troops on the Eastern shore, and these may harass the rear, while Gen'l. Washington will press the front. I am preparing to give some succour to our two Counties there, whose inhabitants suffer by depredations on their Negroes, Stock, &c., &c. Burgoyne, as it is natural to expect, makes an irruption into New York, and I doubt is about Albany ere now. This I think is meant to divert from the main object, which I take to be Howe's pushing for Philadelphia. From y^r character, Sir, and the gen'l disposition of y^r State, I've no doubt of your exertion and active assistance, if 'tis wanted. In case the enemy fail in the chief design, I expect a hostile visit, on their return, here. Should this State be pressed, I shall make bold to ask that assistance that the exigence may possibly require, from you.

You probably may not soon hear from me, unless some new incident arises.

With great esteem I have the honor to be,

Sir, Your Excellency's most ob't

& very humble Serv't.,

P. HENRY.

CAPT. JOSEPH WALKER TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, August 26th 1777.

DR SIR:—

I must trouble Your Excellency with these to inform you that I was left Commanding Officer of the 7th No. Carolina Continental Battalion, left in this State on the recruiting service. I applied to Col. Williams for instructions how to proceed. He told me that he had a letter from your Excellency which said that the commanding officer of each Regiment should call on you for orders, or send, so that you might know when to send such instructions to them as your Excellency should think proper. I should have been happy in waiting on your honor myself, but I have just received a letter from my wife, who is very sick and I have been in camp in this place these seven weeks, and hope your Excellency will indulge me so far as to excuse me. This will be delivered you by Lieut. Joshua Daley. The officers left in the recruiting service out of the 7th Regiment, is as follows: Joshua Daley, Lieut; Davis Grandy, Ensign; John L. Hare, ditto; James Casstaphen, ditto; exclusive of myself, as will be sent you from Col. Williams very shortly. I have sent Mr. Daley to wait on Your Excellency with this letter, and to convey your orders to me, which you may depend shall be punctually obeyed. I have no recruiting money in my hands, as I did not get a warrant this spring. If you should think proper to give warrants, at least bills, I can sell them in my neighborhood: if you should think proper to grant a warrant on the Treasury, Mr. Daley will give a receipt in my name, which I have desired him to do. I have some money of my own, that I shall make use of in the recruiting service till I hear from your Excellency. I have a number of receipts in my hands that I have got from the new recruits that I have 'listed since the recruiting orders this spring, that I have not yet settled with the paymaster for, nor he has not money to advance to recruit with. All the officers have enough of their own to serve till they know where to apply to get it, and remain with the greatest respect your very humble

Servant and most obedient,

JOSEPH WALKER,

Captn. 7th Reg't.

JNO. HAMILTON TO GOV. CASWELL.

[From Executive Letter Book.]

HILLSBOROUGH, August 27th, 1777.

SIR:—

I take the liberty to inclose to your Excellency the petition in behalf of my Brother, self, and others, which I beg your care in laying it before the honorable Council, and flatter myself with your Excellency's concurrence, they will pay proper attention to it and grant us the prayer of our petition.—It is a matter of too much moment to us, to be silent at this time, otherwise we would not presume to attract the attention of your Excellency and Honorable Council, with an affair so trifling to the State, when you are engaged in matters of such moment, but the late affair of Mr. Telfair, and the known good disposition of your Excellency, in assisting the distressed, emboldens us to petition your Excellency and the Honorable Council, & will plead an excuse for troubling your Excellency at this time.

I can with truth assure your Excellency, that his Excellency General Washington has repeatedly sent over to General Howe, by a flag, people of our situation, and allowed them to transport their property with them. Should your Excellency and Honorable Council favour us with your protection, in the manner set forth in the petition, would propose that Halifax or Edenton might be the place appointed for our rendez-vous, and that your Excellency will also be pleased to appoint an officer of your acquaintance to conduct us, and that he may be authorised to choose such men as he may think proper for a guard. About the 25th of September we shall be ready I believe to set off, about that time it will be proper that the guard may be got ready. I can't at present send your Excellency a list of all those who will embrace the opportunity of going with my Brother & self; therefore if your Excellency would take the trouble, to have a Resolve of Council passed, authorizing your Excellency to grant a passport to such as your Excellency approved of, it would give much satisfaction to all concerned. I shall be extremely happy to hear from you by Mr. McNair's return, fully on this affair. I beg pardon for the freedom, and remain with much esteem,

Your Excellency's most obedient Humble Serv^t,

JNO. HAMILTON.

P. S. I have annexed to the petition a number of subscribers who intend to embrace the opportunity of leaving the State; a number more have made application: a list of whom shall be transmitted to your Excellency in due time.

J. H.

COL. JOHN WILLIAMS TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP AT QUANKEY, 28th Aug^t, 1777.

SIR:—

Your Excellency will herewith receive a list of officers, ordered on the recruiting service. I have directed them to apply to you for instructions. Capt. Joel Brevard and five Lieut^s. of my Reg^t have resigned their Com^s. Mr. Robert Blackwell, first Lieut. in Capt. Ramsey's Company, a very obliging good officer, (& a man of property) I beg leave to recommend to your Excellency, to fill the vacancy of Capt. Brevard: also Mr. James Tatum, and William Washington, two Cadets, in my Regiment, to fill the vacancies of Ensigns; if you think proper to do it, please to enclose the Com^s directed to me on our march; which we shall begin on Monday next, it being the first day of Sept^r. I am

Your Excellency's most ob^t H^{ble} Serv^t.,

JOHN WILLIAMS.

GOV. CASWELL TO GEN. ASHE.

[From Executive Letter Book.]

NEWINGTON, 28th Aug^t, 1777.

DEAR SIR:—

Your letter of the 24th current by express I have just received. The Gentⁿ you have appointed to receive the artillery &c of Capt. Vance, is perfectly agreeable to me. If a company is raised as a State artillery Company, your recommendation of Mr. Moore will be an inducement to me, and I don't doubt the Council also, to give him the appointment. I thank you for the measures you have taken respecting the artillery and stores. I think the No. you have appointed small enough: you will be pleased to continue the

guard until you know the opinion of the Council, which I will inform you so soon as I know their result. The deposition you inclose me containing only hearsay, I can do nothing with further than to recommend to you the inquiring into the reality of what is therein suggested, and if it is found to be true, that those persons are lurking in that part of the country, to give me as early information as you possibly can.

I am &c.

RICHARD CASWELL.

GOV. CASWELL TO S. MOSELEY, ESQ.

[From Executive Letter Book.]

DOBBS, 28th Aug't. 1777.

SIR:—

I had your fav'r of the 25th inst. inclosing ten dollars. The Resolutions of Congress respecting Admiralty Courts 'tis not in my power to furnish you. I never had but one copy, and I believe that is at New Bern. Your Com'n as Judge of the port of Brunswick, together with that of the Marshall are herewith inclosed, also 41½ dollars. The fees of the Com's are at foot. I congratulate you on the arrival of the prise, and am with respect & esteem,

Sir, Yours &c.,

RICHARD CASWELL.

| | |
|--|-----------|
| Fees heretofore allowed Gov'r, now to State, for Judge's | |
| Com'n | 20. |
| Do for Marshall's (same as She'fs) | 10. |
| Secretary's fees for each | 10.8 |
| Seal 2.8 each | 5.4 |
| | <hr/> 46. |

SAM. JOHNSTON TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 28th August, 1777.

SIR:—

I had the honour of receiving yesterday Your Excellency's Commission appointing me, in place of Mr. Bonfield, to hold a

Court of Oyer & Terminer, in conjunction with Mr. Beasley, for this District; some doubts having arisen in my breast with regard to your power of making such an appointment, I shall, with all due deference, submit them to your consideration; and if my reasons have the same weight with your Excellency that they have with me, I hope you will think it advisable to revoke a Commission which is neither warranted by the Constitution, nor any act of Assembly that I have yet seen. I have not indeed seen the Act in which the Judges are named, referred to in the Oyer & Terminer Act; so that, for aught I know, the Commission may be authorised by that act, tho' by the pointed manner in which the Oyer & Terminer Act is worded, it does not appear to me that, the Assembly intended that you should have a power of commissioning any but such as are named by the Assembly. By the Constitution you are empowered to supply the vacancy of any officer the right of whose appointment is vested in the General Assembly by the Constitution but there is no mention of Justices of Oyer & Terminer in any part of the Constitution that I can find; The only Judges which by the Constitution the Assembly are empowered to appoint are Judges of the Superior Courts of Law & Equity, Judges of the Admiralty, and Justices of the Peace; a Commissioner of Oyer & Terminer can not by any reasonable construction be comprised under either of these denominations, as he only holds his office for five days, they for life; Upon the whole, if the power of commissioning Judges of the Courts of Oyer & Terminer is not vested in you by the Constitution, but created by Act of Assembly, it appears to me that you can not exceed the limits prescribed by the Act in the exercise of that power.

I have not mentioned these doubts to any one, nor do I mean to do it till I hear from you: so that, if you think I am right, you will act as if the objections I mention had been the result of your own deliberation. I shall with great alacrity serve the public in this office to the best of my abilities, if it can be done consistently with my reputation or safety, but when the life of a man is in question, the greatest caution is necessary, as our law is attentive to the most minute circumstances in such cases.

I have the honour to be with the greatest respect & esteem,

Sr, Your Excell'y's most obedient servant,

SAM. JOHNSTON.

WILLIE JONES TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, Aug. 29th, 1777.

DE SIR:—

I dispatched the letter for the Governor of Virginia, and also the other letters, immediately on the receipt of them. I expect my express from Virginia to-day, and if he brings any letters for you, or any material intelligence, I shall send him on directly to Newbern. We had the Virginia papers yesterday; but there is no news in them; neither have we had anything new from Travelers lately. Mr. Pinkney is dead: his death is not regretted by a single person who knew him in this part of the world. His conduct was so scandalous, that we only regret that he did not die before he had an opportunity of abusing this State in the gross manner he has done. I used every means in my power to stimulate him to his duty, and to enable him to perform it; but all to no purpose.

When I went to Williamsburg after my return from Newbern, I found he was so involved there, that his creditors would not let him depart without money or security, and to expedite the public business, I advanced him money and became his security to the amount of upwards of £400, for which I have no kind of security. His Types were brought to Halifax, and I think of detaining them until I am made secure. I should therefore be glad, (if there should be any application to your Excellency for administration on his estate), that it should not be granted until I could be informed of it.

I am, Dr Sir, Your most obed. Humble Srt.,

WILLIE JONES.

Col. Long this moment informed me the express from Virg'a was arrived and that he would send him off to you immed.

W. JONES.

LIEUT. JESSE READ TO GOV. CASWELL.

[From Executive Letter Book.]

BATH, August 31st, 1777.

SIR:—

This to acquaint your Excellency that I am by order of Col. John Williams, to continue in this State as a recruiting officer for the 5th Battalion: and his orders to me was to apply to you for recruiting instructions and money, which Capt. Stedman will receive for me, as I am at present not able to ride to Newbern.

Sir, I verily believe that, if you should send me the money, and immediately, I can recruit a good many men. I have lately recruited six men without having a farthing of the public's money.

Sir, I remain Your H'ble Serv't.,

JESSE READ,
L't. in 5th Battalion.

GOV. CASWELL TO GEN. NASH.

[From Executive Letter Book.]

NEW BERN, 2^d September, 1777.

DEAR SIR:—

This is just to make my acknowledgements to you for the notice you have been pleased to take of my son (Capt. Caswell). I hope his conduct will be such as to demonstrate a grateful sense of your polite and genteel behaviour towards him. If you shall think his conduct in the army entitles him to any advancement, your countenance towards his obtaining it will be conferring a further favor. I am glad to hear the men who compose your Brigade are in health and spirits, and do most earnestly hope and believe they, when you lead them to action, will do honor to you, themselves, and the country where they are raised. I most sincerely wish you success in the glorious cause which has carried you into the field, and that you may obtain the laurels due to the brave and am Dr Sir, &c.

RICHARD CASWELL.

GOV. CASWELL TO JOHN PENN, ESQ.

[From Executive Letter Book.]

NEW BERN, 2^d September, 1777.

SIR :—

Your favor of the 5th August I have just rec'd. Its contents have fully answered my questions respecting the sending out the money. I thank you and your colleagues for your care & assiduity in that business. The money arrived, under the care of Lieut. Allen, at my house in Dobbs about three weeks past. I immediately sent to the Treasurers; they attended, and each received his proportion. The Troops of the first nine Battalions remaining in this State, with the new Recruits, are paid up to yesterday, when they were to proceed on their march to join Gen. Washington. The Artillery Company is also paid up to the same day, and has orders to proceed to Kingston, where the 10th Battalion (raised by Col. Sheppard) is assembling as fast as possible. It consists of, within a very few men, perhaps 6 or 8, of 400 Rank & File. Those with the Artillery Company will be ordered on immediately after their assembling. There are purchased for the Continental use, by Commissioners by me appointed in consequence of a Resolve of Congress, 987 barrels of pork, and 15 barrels of beef, 430 of which are stored at Washington, (the forks of Tar river) and the remainder at this place. I have ordered a few barrels to be delivered to Col. Sheppard's recruits. Congress will be pleased to take such action as they think proper with respect to the remainder. The Resolves of Congress which you inclosed me I shall lay before the Council this morning, who, no doubt, will pay a proper attention to the importnace of them. The post is waiting, must therefore conclude.

I am &c.,

RICHARD CASWELL.

GOV. CASWELL TO HON. C. HARNETT.

[From Executive Letter Book.]

NEW BERN, 2^d September, 1777.

DEAR SIR :—

I had the pleasure of receiving your favor of the 11th August last

night. I congratulate you on your recovery of the small-pox ; your having it so favorably was in a great measure owing to the regular regimen you observed, I am told, on your journey—I imagine. I was really very anxious about the money you mentioned, but was happily relieved from that anxiety about three weeks ago, when Mr. Allen delivered it safe to me in Dobbs. I immediately dispatched expresses to the Treasurers, who came up and received it. The warrants I had granted the recruiting officers are taken up, and the Troops paid off to the first instant, and those at Halifax ordered to march the same day, I mean yesterday. The Artillery Company is ordered to Kingston to join Col. Sheppard's Battalion, which is assembling with the utmost expedition, about 400 Rank and File, who will march with the Artillery Company to join the grand army in a few days. I thank you for the intelligence you give me of our affairs. They appear not to be in quite so good a state as I could wish them, but hope Gen. Gates' arrival there, with the great numbers of militia which we are told are flocking in, will change the face of things.

I rejoice to hear the N^o. Carolina Troops are in high spirits whenever they are led to action: I hope and believe they will acquit themselves like brave men. I am greatly obliged to you for inquiring after Capt. Caswell, and giving me an account of his health. Give me leave to request you will be pleased to enquire frequently into his conduct, and give him such advice and assistance as you could wish to be given by your friend to a son circumstanced as he is, and so far distant from his parent. I hope he will gratefully receive either from you in a becoming manner. Dr. Burke I shall be glad to see whilst he shall happen to be in this State. I imagine he will have left Philadelphia before this reaches you, I shall therefore omit writing to him this post ; his stay here, I persuade myself, will be but short. The Council is to meet here this day ; some of the members are here ; to that board I will do myself the pleasure of delivering your compliments. We have been alarmed with the rising of Tories, and forming of conspiracies: the former among the Highlanders & Regulators and in the County in which you had the honor to draw your first breath, and in Bertie and Martin. The Militia in some places was called on to quell the first, but the Insurgents only proceeded to Cross-Creek, under a pretence of getting salt, which they were supplied with,

and finding the country alarmed and ready to treat them as they deserved, desisted from proceeding any further. The other Gentry, many of them have been apprehended and committed to gaol, in order to take their trials in the Courts of Oyer. Among them is Mr. Brimage, who attempted to escape, got as far as Ocacock, where he was apprehended, carried up to Edenton, and committed to a poisonous and noisome dungeon, as he calls it, in a letter to me. He asks my interference with the Justices to admit him to bail, which I did not think proper to meddle in.

We have heard of the arrival of upwards of 200 of the enemy's fleet in Chesapeak. Our Militia, on that account, is held in readiness, that is the first and second Divisions, to march at the shortest notice to the assistance of Virginia, and I have had intimation from the Governor that, if certain incidents happen, he shall expect our friendly aid of men &c.

I shall be extremely glad to hear from you, at such times as you can conveniently spare a few minutes to communicate anything you may be pleased to wish me to know.

I am D^r Sir Yours &c.,

RICHARD CASWELL.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, Sept. 2^d, 1777.

DR SIR:—

The inclosed paper will give you all the public intelligence since my last. The complexion of affairs is not yet become so determined that I can set off for home; but I am in daily expectations of some events which may determine my resolutions to that purpose. Our finances have long engaged our attention in Congress, but we have not yet come to any conclusive Resolutions thereon. The subject is of the greatest importance, and truly too great for our talents. One thing every one seems clear in, that Taxation in a very liberal degree must take place. This, Sir, is so necessary that it must at all events be attempted every where. The quantity of money in circulation, and its consequent depreciation, and the accumulating debt of the public makes it inevitably necessary. I fear the sys-

tem under consideration will not be so far matured before my departure that I can carry it with me, or know how to apply my endeavours at home towards the perfection of it. I shall however make myself as much master as possible of the prevailing opinions thereon. You will find by the intelligence that our affairs every where bear a promising aspect. I have the most sanguine hopes that this campaign will give a severe blow to the British arms; and I even look forward to an end of the war, much sooner than has hitherto appeared probable. I have, Sir, troubled you too long in this letter, and shall only add that, I have the honor to be with the greatest respect & regard your very obed't hum. S't.,

THOS. BURKE.

LT. COL. LUTTRELL TO GOV. CASWELL.

[From Executive Letter Book.]

CASWELL COUNTY, September 2^d, 1777.

MAY IT PLEASE YOUR EXCELLENCY:

Col. Williams has marched to the Northward to join General Washington, and left instructions with me, to stay in this State and superintend the recruiting service; and desired me to apply to you for orders in what manner to proceed. I shou'd have applied in person, but am very unwell with the ague. Therefore please to write me by Capt. Rice, the orders and instructions that you design for the recruiting officers.

Capt. Rice, the bearer of this, is come down to see if some of his men, that deserted some time ago, hath not inlisted in the 10th Regim't; and on his return is ordered to the Northward to join the Regim't under the command of Col. Williams—however as there is but three officers to a Regiment left in this State, and of course more officers gone already than is sufficient to command what men was marched; and there is a number of deserters now lurking about this place, which would be of service to this State to have taken; these reasons, together with that of Capt. Rice's having a sick family, that he seems unwilling to leave for the present, until they get better, has induced me to mention it to your Excellency, and beg of you (if there is no inconsistency in it) to permit him to stay and assist in the recruiting service. Capt. Rice is well

acquainted in these parts, and I believe can recruit more men, than any person that can be left in his room.

I have four or five negroes in Transylvania, (the place lately purchased by Rich'd Henderson & Comp'y.) and am very desirous of getting them brought home before the cold weather sets in—and the Colony of Virginia hath ordered out two hundred & fifty men to that country, to protect the inhabitants who are now gathering at the Long Island on Holston River, and I imagine that cou'd I be at Holston now, that in all probability I shou'd have an opportunity of employing some person that wou'd bring them home. Therefore I shall be under exceeding great obligations to your Excellency, if you will give me leave of absence from this State a few weeks. I am not able at present to undertake the journey, but am in hopes shall be in a very small time, and I will return again as soon as possible. I should not have asked the favour, if I thought there was any probability of my doing any injury to the service I am engaged in by my absence. There is a report here (how true I cannot say) that the Indians have taken Fort Pitt on the Ohio, and killed every soul, except two men, that was in the place.

I am your most ob^t H^{ble} Serv^t, -

J. LUTTRELL.

HEZ. ALEXANDER TO GOV. CASWELL.

[From Executive Letter Book.]

MECKLENBURG COUNTY, Sept. 4th, 1777.

SIR:—

These are to inform you that the public do suffer in the western parts of this State, by want of the last acts of the Assembly: at least we in this County are at a loss in many respects having as yet had none of them sent to us, except the tax-act, a few days ago in manuscript, sent to us by Mr. Avery: and a copy of the Tory Act, by unknown hands; but whether genuine or not we can not tell. Wherefore I make bold to apply to you, as our political Father, that you would give such orders in the premises, as you shall think proper. And in the mean time please to send me one copy of the Acts, if to be had; and so doing you will oblige the public, and your Humble servant in particular.

HEZ. ALEXANDER.

THOS. WADE TO GOV. CASWELL.

[From Executive Letter Book.]

ANSON C'T-HOUSE, 5th Sept., 1777.

SIR:—

About a fortnight ago Capt. Lewis Lowry, one of the Tory Captains sent from this State to the State of Virginia, and stationed with the other State-Prisoners, in Augusta County in Stauntown, where since last December they have been put on their parole, in that town, and as soon as I heard of the s'd Lowry's return without leave I issued a warrant and had him taken; and on examination he confessed his breaking his parole, and informed me that one Bradley, a prisoner from the same place, came with him to his plantation in Orange County, and that they concluded to come home on design to stay, if their country would let them. And the s'd Capt. Lowry offered to take the oath, but I told him I had no power to fix preliminaries on which he could stay any other than a prisoner, till sent back: on which he offered security for his good behaviour, and appearance at the next sitting of your Council, or the sitting of the Assembly of this State. And as he appears to have a desire to once more give his country satisfaction of his sincere return to his duty as a subject of this State, I thought proper to refer to your Honor the case of the s'd Lowry and shall keep him till I receive your instructions, which shall be punctually executed. There's also John Smith, a prisoner from the State of Pennsylvania, in this County under the s'd Lowry's circumstances, I hear, who was one of the Adjutants in the Tory army and sent from this State. I have not apprehended him yet, but I shall have it done, as he has escaped some time by telling he gave bail: but on apprehending Lowry he is alarmed, I understand. The bad state of health of myself and family have prevented it yet.

I am, Sir, Your humble Serv't.,

THOS. WADE.

N. B. If any news from the Northward, should esteem a favour to have a sketch, as it would satisfy our divided people, if good.

T. W.

I hope your Excellency will excuse this scrawl, as I am lying in a sick bed at this time.

W. AVERY TO GOV. CASWELL.

[From Executive Letter Book.]

Sending a copy of his own letter to the N. C. Agent in the Cherokee Nation, dated Sept. 5, 1777, to Gov. Caswell, Waightstill Avery writes to the latter as follows:

General Rutherford has never sent any Talks to the Indians this summer. The Indians were very anxious to receive a talk directly from the Great Beloved Man of North Carolina before they ventured themselves down into this State. Perhaps it might have a very good tendency to send a talk to them to meet at Cathey's Fort. They imagine that your Excellency has neglected them.

Yours most respectfully,

W. AVERY.

His Excellency the Gov.

General Rutherford has shewed the greatest reluctance to appoint a Commissary, and not being done when I came away, I do not know but he may refuse, and the Indians be under a necessity of returning home directly from the Fort, for want of provisions for their march down.

W. A.

JOHN CARTER TO GOV. CASWELL.

[From Executive Letter Book.]

WASHINGTON DISTRICT, Sept. 7th, 1777.

SIR:

After the Treaty with the Cherokees, I taking the premises into consideration, finding that seventeen of the young warriors did go with Nat. Gees to General Washington, at Head Quarters, and that seven more started with Maj'r Woommac to Mr. Sharp's, those I looked on as hostages, while among the white people: and also the Commissioners appointed a Gentleman from each State, as Superintendants, that is from Virginia and from this State, who resides in the Nation and will watch their motion, and can give notice occasionally of any alarming circumstances; under those circumstances I thought proper to discharge all our Troops, being well convinced there was no danger, and not willing to run the State

into needless expences. But notwithstanding there has happened nothing alarming amongst us since the Treaty, the people on Nolechaga has sent a petition to General Rutherford, without acquainting me with the substance, or that they were under any doubts of any enemy: what they allege I am not able to judge, but they obtained leave to raise 25 horsemen to range. I fear the consequences: for there was a temporary line agreed on at the Treaty, and if these men goes over that bounds, I think it will give umbrage to the Indians, and as it is near their hunting season, there is no doubt but they and those Rangers will meet. I can't say who was at the bottom of this plan, but I fear they have deceived General Rutherford, and has asserted something to my disadvantage. For the General has not acquainted me with his orders, nor has he wrote to me any answer concerning ammunition I wrote to him for: as that article is very scarce here, and a small magazine would be highly necessary while these troubles continue. I mentioned to the General when I wrote for ammunition, of 4 persons being killed by the Indians on Clinch River, about sixty miles from us northeast. It is thought to be the Norwards. About that time there was an alarm of a considerable number of the Norward Indians coming on Clinch Settlement. Col. Shelby raised a party of men on the Virginia side, and went in pursuit of them and found the alarm to be false. It is supposed to be raised by some transient persons to get the Militia under pay, and judge that to be the case in regard to the petition that was sent to General Rutherford. I would take it extreme kind to have your orders, or advise in the premises. Your Excellency may be assured that I will do every thing in my power for the regulating the Militia, and for the defence of our frontiers, and for the benefit of the United States: but if my dignity is to be sported with, under these circumstances; I have no need of your Commission as Commanding officer for Washington District. So I remain

Your Excellency's most obedient H'ble Serv't.,

JOHN CARTER.

N. B. I just received intelligence of the Little Carpenter being at the Log Island with 25 or 30 young warriors. They declare the greatest friendship, and say they have 500 young warriors ready to come to the assistance of Virginia or North Carolina,

when called for: if to fight the English or any Indians that wants war with the white people of these two States.

I am,

J. CARTER.

GEN. ALLEN JONES TO GOV. CASWELL.

[From Executive Letter-Book.]

Sept. 8th, 1777.

SIR:—

At length I am able to make your Excellency a return of the Halifax Brigade, tho' a little incomplete in the officers of some counties, owing to the novelty of the thing. I do not know whether my return is proper, for I confess my ignorance in military affairs. But if it is wrong, should be obliged to you for a hint of it, that my next may be more perfect.

I am with great respect & esteem

your Excellency's mo obed Ser't.,

ALLEN JONES.

GOV. CASWELL TO THOS. CRAIGE, ESQ.

[From Executive Letter Book.]

KINGSTON, 8th Sept, 1777.

SIR:—

Lieut. Col. Dange of the 10th Battalion has orders, to proceed immediately to Wilmington with a detachment from his Battalion & carriages sufficient to bring off the remainder of the magazine; the ton of gun-powder with what lead this detachment can't bring away must be removed from Wilmington to a place of greater security. On that subject I shall write to Gen. Ashe, whose directions in respect to these matters you will be pleased to attend to. I shall be obliged to you to furnish me with an account of what you deliver Col. Dange, and have you dispose of the remainder.

I am, &c.,

RICHARD CASWELL.

GOV. CASWELL TO GEN. ASHE.

[From Executive Letter Book.]

KINSTON, 8th Sepr, 1777.

DEAR SIR:—

Since writing to you yesterday, I have ordered Col. Dauge with a detachment of 100 men from the 10th Battalion to march immediately from this for Wilmington with a sufficient number of carriages to bring off the remainder of the powder and lead, except a ton of gun powder, & a proportionate quantity of lead; or if he is obliged to leave more lead, that with the powder you will be pleased to have removed from Wilmington to a place of greater security. I have wrote to the Commissary of Stores to take your directions herein. Be pleased to see that all the powder, except the aforesaid ton, and what lead Col. Dauge's party can bring, is delivered them. I rely on you executing the Resolve of Congress with the greatest expedition so far as relates to the naval stores: and to effect it, in case it is absolutely necessary, Col. Dauge has orders to give every assistance in his power. But if this is not really necessary, be pleased to let him return as soon as he can, as 'tis possible when 'tis known among the Tories above that his party is to bring off the ammunition, he may meet with some opposition on the road. Upon the whole, Sir, I am happy in knowing that every thing committed to your management will be conducted in such manner, as will do honor to yourself & tend to the advantage of the public. I therefore shall submit the whole to you, without saying further than that

I am &c.

RICHARD CASWELL.

GOV. CASWELL TO MR. FRA. BRICE, WILMINGTON.

[From Executive Letter Book.]

KINSTON, 8th Sept, 1777.

SIR:—

I will thank you for a ret. of what provisions you bo't for the pub., if any, in consequence of your appointm't by me in Council for that purpose: if you did buy, and the provisions are at Wil-

mington, they should be removed to a place of greater security. In that case, please inform Gen. Ashe, who will have them removed. If Col. Dauge's party who are now going to remove the rem't of the military stores shall want any salt provisions, be pleased to see that he is furnished either from your magas. or by Mr. Toomer. You will excuse this trouble, and believe me to

Sr. yr m ob Servt.,

RICHARD CASWELL.

JUDGE SAM'L SPENCER TO GOV. CASWELL.

[From Executive Letter Book.]

SALISBURY, 8th of September, 1777.

DEAR SIR:—

I had the honour of your favour by Capt. Outlaw by whom I intended to have wrote to your Excellency from Wilmington, had he not left that town sooner than I was apprised of. When he delivered me your favour, I told him that I was very glad to be informed of the circumstances that seemed to operate in his favour: but that out of Court I had no judicial power, and in Court I had no authority to dispense with the Laws of the State, or the forms of trial: that if he had been guilty of any crimes or offences, his pardon and indemnity must ultimately come from your Excellency, or the Legislature: that from your recommendation I should be disposed to extend any lenity to him, that I could do consistent with my duty as a Judge, and with the concurrence of the Gentlemen jointly appointed with me to execute that office: But whether DeBruhl was a proper witness to be admitted against him, or whether the Resolve of the last session of the Assembly, respecting the enlistment of persons accused of crimes or offenses before a certain time, extended to his case, were matters I could not determine out of Court. Upon which he went off in a day or two after without saying any thing further to me, and without appearing in Court to save the forfeiture of his recognisance. His default was therefore recorded, and a bill of indietment was found against him on the testimony of DeBruhl, and process was accordingly awarded thereon in common form. I have now finished my circuit, if it may be called such: and have with the assistance of my several

colleagues, in office, and in the best manner I could, proceeded in and determined a great variety and multiplicity of criminal causes and matters, I hope to the tolerable satisfaction of the public. I hope to have the honour and the pleasure of waiting on you some time in the next session of Assembly. And am with sincere respect and esteem, Dear Sir,

Your most obedient humble servant,
SAM'L SPENCER.

HENRY YOUNG TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, September 9th, 1777.

SIR:—

As myself and Mr. Charles Jewkes propose setting off for Philadelphia with a considerable quantity of indigo and deerskins, which are to be transported by land, from this State, must beg leave to solicit the favour of your Excellency to grant us such permission as you think will be sufficient to protect our wagons from being pressed, as also ourselves from being stopped; and am with the utmost respect & esteem

Your Excellency's very obed^t. Humble Servant,
HENRY YOUNG.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

HEAD QUARTERS, near Chad's Ford on Brandywine Creek,

Sept. 10th, 1777.

D^r SIR:—

Our army is disposed to receive the enemy who are about three miles distance & advancing, every person is in high spirits, and expect a very important engagement. Our army is supposed superior, and the enemy is very shy. I have delayed my journey home for some time in expectation of this (now expected) event, and hope before many hours to have the satisfaction of seeing our enemies put to rout. I can write you no more at present, but that

I have the honor to be
Your very ob^d humble ser^t.,
THOS. BURKE.

GEN. WM. BRYAN TO GOV. CASWELL.

[From Executive Letter Book.]

Sept^r 14th 1777.

SIR:—

I do myself the honor of inclosing to your Excellency a general return of my Brigade so far as I have been able to collect the Field return, and wish it was in my power to have made the return complete, and at an earlier day.

I am Sir Your Excellency's
most obedient hum^l. Servant,

WM. BRYAN.

GOV. CASWELL TO COL. ABRAHAM SHEPHERD.

[From Executive Letter Book.]

NEWINGTON, 15th September, 1777.

SIR:—

As I most sincerely wish every assistance in the power of this State to be given to the United States of America, not only as a duty incumbent on the people here, but for the honor of the State in general, and of those immediately concerned in particular; and in pursuance of the Resolves of Congress vesting me (as Chief Executive Magistrate in this State) with power to order and direct the march of the Continental Troops within this State; I do hereby require you to march the Regiment under your command together with the Artillery Company commanded by Capt. John Vance, from Kingston on Thursday the twenty fifth day of this instant September, by the shortest and best ways, and with the greatest expedition in your power, to Richmond town in Virginia, unless you receive contrary orders from your superior officer in the Continental service; and there you are to pursue such orders as you may receive from such officer, and for want of such officer you are to follow such further orders as you may receive from me: and in order to enable you to march your Battalion and the Artillery Company as aforesaid, you are to make me a proper return with all expedition of your numbers, arms, tents, blankets, clothes, wagons, carts, horses, baggage, and every article necessary on your

march, which you now have, and also which you have not and will actually stand in need of on such march: this return I expect in time so as to direct the provision.

R'D CASWELL.

N. B.

Col. Sheppard's Battalion marched from Kingston on the 25th of September agreeable to the above orders, and some few days after, I sent Col. Sheppard orders to proceed from Richmond to headquarters, and join General Washington's army, with the utmost expedition: these orders, he has since told me, he received, on searching my papers here, do not find a copy, but the above is the substance.

R. CASWELL.

Newbern, 18th Nov^r. 1777.

GOV. CASWELL TO COL. ROCHESTER.

[From Executive Letter Book.]

DOBBS, 15th Sept. 1777.

SIR:—

I apprehended on receiving your former letter you had committed the error which I find by yours now received by Capt. Rice was a mistake in me: but I was led into it from the circumstance of my not issuing ordinary licences, they being signed by the Clerk of the Court who grants them, and ordered the Letters to be sent to you. If the Letters are not wanting, please to return them, and the fees shall be repaid you. The Ordinary Licences I believe are to be signed by the Chairman or one of the Justices of the Court: the fees are to be received on them to the Gov^r 20 for the use of the State, and countersigned by the Clerk. However you will be pleased to advert to the last act of Assembly for regulating ordinaries, and conform to it. The 15 doll^s rec'd p^r Capt. Rice are inclosed.

I am &c.

RICHARD CASWELL.

GOV. CASWELL TO CAPT. JOHN VANCE OF THE N° CAROLINA
ARTILLERY COMPANY.

[From Executive Letter Book.]

NEWINGTON, 15th September, 1777.

SIR:—

As your company is received into the Continental service, you must in future receive orders from Col. Sheppard, or the officer commanding his Battalion. Your Company is to march with that Regiment from Kingston the 25th day of September instant, and pursue such orders as may be from time to time given by the commanding officer of the tenth Continental Battalion raised in this State, until you join some Artillery Battalion in the same service or you shall receive orders from an officer of superior command. You will consider this as your orders for the present, and conduct yourself accordingly.

RICHARD CASWELL.

GOV. CASWELL TO COL. JOHN LUTTRELL.

[From Executive Letter Book,]

DOBBS, 15th Sept. 1777.

SIR:—

Your letter of the 2^d current came this moment to hand. You with the officers left in this State to recruit, are to observe such instructions as I formerly gave the commanding officer of your Battalion, and make me returns agreeable to those instructions. If any thing new occurs, so as to make any alterations necessary, I will take the earliest opportunity of informing you. I cheerfully consent to Capt. Rice's staying in the State to recruit for the reasons you mention, till further orders: and have not the least objection to your attending to your own private concerns in the Western Country for so short a time as two or three weeks; but give me leave to recommend your directing the officers to be particularly attentive to the recruiting business, and to send me the return required. I hope the reports you mention respecting Fort Pitt is groundless,

as I have received no information to confirm it, and time sufficient for that purpose is elapsed.

I am, with &c.,

RICHARD CASWELL.

GOV. CASWELL TO HEZ'H ALEXANDER, EPHM BREVARD & ABRAHAM ALEXANDER, ESQS. MECKLENBURG.

[From Executive Letter Book.]

DOBBS, 15th Sept. 1777.

GENTLEMEN :—

Your letter of the 4th current I received, and at the meeting of the Council, will do myself the pleasure to lay the same before that Board, who with myself have a right to say whether the bond you mention shall be forfeited in case of Mr. Ochiltree's not complying with conditions, but in no other case have they or myself any right to intermeddle in these matters. You will therefore be pleased to do, in your own Court, what you think just and right. The result of the Council I will inform p^r first opportunity.

Mean time I am &c.,

RICHARD CASWELL.

GOV. CASWELL TO HEZ. AREXANDER ESQ.

[From Executive Letter Book.]

DOBBS COUNTY, 15th Sept, 1777.

SIR :—

Your favor of the 4th inst. I rec'd and am really concerned at hearing the complaint of the people your way as well as in many other parts of the State on acc't of the Acts of the late Assembly not being published. The Assembly thought proper to remove an old servant (the printer) for neglect of duty, and appoint one who resided in Virginia, who after long delay removed to Halifax about 5 or 6 weeks ago, where he died. His place can not be supplied till the meeting of the Assembly, and to attempt getting the Laws transcribed and sent to the different Counties in manuscript, would be needless, as it could not possibly be effected before the sitting

of the Assembly, and of course would be attended with very considerable expence, which might not be approved by that Hon'ble Body. If it was in my power to send you a copy of those Laws, I would most cheerfully do it, but I have not been supplied myself, depending on the printer, and have really been at a loss many times how to conduct myself for want of them.

I am &c.,

RICHARD CASWELL.

STATE OF NORTH CAROLINA.

[From Executive Letter Book.]

Richard Caswell Esq. Governor and Commander in chief of the said State.

TO ALL WHOM IT MAY CONCERN.

These are to certify that the bearer Mr. Duncan Ochiltree hath produced to me certificates of his having been called upon in Cumberland to take the oath of fidelity to the State where on his refusal he has given bond and security to depart the State in sixty days from July Term last in said County, and also that on his arrival soon after the said Term in Mecklenburg County, the place of his residence, he was cited to appear before the Justices of that County Court on the third Tuesday in October, next to take the said oath and obliged to give Bond and security to appear accordingly so that if he departs the State agreeable to his first Bond, 'tis probable the last will be forfeited; if he does not, but complies with the conditions of the last, the first may become forfeited, under these circumstances I have advised him to abide the determination of the Court of the County, in which he resides thinking that more agreeable to the intention and spirit of the Law, and in the mean time I will lay his case before the Council at their next sitting, and take their opinion respecting the forfeiture of the first Bond.—

I therefore request that the Justices and others in Cumberland and elsewhere will not consider the said Duncan Ochiltree altho' he remains longer than the sixty days after last July Court in Cumberland, in the said State, as a person who has willingly made a breach of his said first above mentioned bond—but as one com-

pelled to act in the manner above described. Under these circumstances I have no doubt he will be permitted to pass from hence to the place of his residence in Mecklenburg undisturbed.

Given under my hand the 15th Sept. 1777.

RICHARD CASWELL.

MAJOR J. B. ASHE TO GOV. CASWELL.

[From Executive Letter Book.]

NEW RIVER, Sept. 16th, 1777.

SIR :—

The bearer Lieut. Nixon of the 6th Batt'n who will hand your Excellency this, was to have gone on, after the last division to the Noward, ere this, but the number of deserters now in the State, (belonging to the 6th Regiment) induced me to detain him, 'till now, when he waits on your Excellency to know your opinion, and if your Excellency thinks with me, to obtain a warrant of £100. Your Excellency will be pleased to excuse my want of paper, and I am with every esteem

Your Excellency's obedient humble servant,

J. B. ASHE.

FRANCIS BRICE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, Sept. 16th, 1777.

SIR :—

I have the pleasure to acquaint your Excellency of my having purchased for the Public, three hundred and sixty two barrels of Pork and eighteen of Beef. All which, (tho' bought at a very warm season of the year) I have in exceeding good order, from the frequent over hauls I have given it, in having it coopered and filled up with strong pickle, which will be attended with some considerable expense, from the high price that salt has been at here for some time past. I have applied to Gen'l Ashe respecting the removal of it tomorrow. I expect his orders to have the stores and provisions conveyed, will come to some officer under his command.

When the provisions are removed, I shall take particular care to have it all filled up with pickle and recoopered.

In the absence of Mr. Craike, I have the pleasure of executing your Excellency's orders to him, and in obedience thereto, I have delivered Col. Dauge 12 barrels of Gunpowder wg 2620 lb. nt. and 8 pieces of lead wg 3866 lb nt. which I hope will get safe to the magazine at Kingston—There yet remains in this magazine, Lead sufficient to load all these wagons and carts entirely—besides the proportionate quantity to the one ton of Powder that remains here. The ammunition I suppose General Ashe will order out of Town with all expedition. I am most respectfully

Your Excellency's very obedient servant,

FRANCIS BRICE.

To Col. Dauge, I have delivered 2 Barrels of Pork.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, Sept. 17th, 1777.

DR. SIR:—

I wrote a few lines from Head Quarters on Brandy-wine near Chad's Ford on the tenth Instant, and in them gave you the hopes I then entertained of seeing in a few hours our Armies triumphant over our enemies. I am sorry I cannot now tell you those hopes were realized—I am constrained to give you a detail of circumstances, which have grieved me to the soul, and I know will give you and my Country great concern.

On the morning of the Eleventh, about eight O'clock, the enemy appeared on heights to the Southward of the Creek, and a little to the westward of Chad's ford, they drew up in order, and erected Burlect Batteries from whence they kept up a cannonade on our lines which were formed on the north side of the Creek in a meadow flanked by Hills to the right and left, on which we had several pieces of artillery posted to advantage, and from whence a well directed fire was kept up very hot until Eleven, by which time the enemy's Batteries were silenced, and their Troops driven from the grounds on which they had first formed in the morning. During the cannonade the Light Troops on both sides skirmished very warmly

and always with advantage to us. Lower down on the Creek extended General Washington's left wing composed of four thousand Pennsylvania Militia who had no opportunity of engaging. Up the creek extended the right commanded by Major General Sullivan. About two o'clock the General received advice that a body of the enemy amounting to five thousand had moved up the creek in order to pass at a ford about four or five miles distance, he immediately made the necessary dispositions from encountering them, so as to prevent their getting on his right Flank. Soon after this General Sullivan was informed by a countryman, a Major of Militia that he had come along the road which immediately led from that ford, and had seen no enemy, whereupon he dispatched information to General Washington that he was convinced from the countryman's intelligence that no Enemy was upon that rout, and the General in consequence thereof halted the Troops destined to resist them. The error was not discovered until it was too late to bring the Troops up in good order. The consequence was that the Brigades which first formed were attacked before they expected it, and those who were forming, were thrown into disorder, and soon routed. The right and left Flanks of those who were first formed were thus exposed, and the enemy gained such advantage thereby that they overpowered our Troops, and defeated them with the loss of their Field pieces, five in number. The evil did not end here. Greene's division and Nash's Brigade which formed the chief strength of the Centre, were ordered to the right to reinforce the Troops on that wing. By this General Wayne was left to sustain a fierce engagement for an hour & an half against numbers greatly superior, and under a heavy cannonade which the Enemy now received from the Batteries lower down. He and his Troops behaved with exemplary gallantry and after destroying great numbers of the Enemy, retreated without losing their Artillery, or leaving their wounded behind them. Col. Proctor with some artillery was posted on the right of Wayne, and was attacked by a strong column of the Enemy, who forced their way within pistol shot before our men gave way, and at length they brought off their guns except two whose horses a waggoner had run away with.

None of the reinforcements had time to get up so as to engage, except Weedon's Brigade, who checked the Enemy, and very gallantly covered the retreat of the whole army. The Enemy did not dare to pursue, but retired from the field of Battle that night.

During this action I had an opportunity of observing that our Troops and inferior officers are exceedingly good, but that our Major Generals (one only excepted) are totally inadequate, they were so disconcerted by the unexpected attack of the Enemy, that they knew not what to do but to permit, (some say to order) a precipitate retreat. Sullivan to complete his blunder made a circuit of two miles, one quarter in the direct road would have brought him to his grounds and he arrived so late that it was pre-occupied, but as he was commander in that wing, he insisted on changing his disposition, and while he was attempting it, his Troops which were brought up in great confusion were pressed by the Enemy, and not being able to form into any order fled without resistance. These miscarriages snatched from my hopes the glory of a complete victory, which was certainly in our power, if Sullivan had not by his Folly and misconduct ruined the fortune of the day. Judge, Sir, how disagreeable must be my reflections on this occasion when my sanguine and well founded hopes were at once cut off, not by the superiority of the Enemy, but by so glaring an insufficiency in our officers? Could the Commander in Chief's ideas be executed I should deem our success certain, but I have the melancholy conviction that his principal officers are incompetent, and I fear it is an evil that can not be remedied.

Sullivan was three days posted on the right wing, and furnished with Horse and light Troops for reconnoitering, yet so uninformed was he of the ground, that he knew not even the roads by which the Enemy might march to attack his Flank, and altho' he was warned by the General, that the Enemy would in all likelihood make that movement and was ordered to keep out reconnoitering parties in order to know certainly their force and motives, yet he relied on the information of a countryman who passed along one road while the Enemy were marching on the other. This unfortunate General has ever been the Marplot of our Army, and his miscarriages are I am persuaded owing to a total want of military Genius, and to one of that sort of understandings which is unable to take a full comprehensive view of an object, but employs its activity in subtle senseless refinement. Thus persuaded I thought it my duty to endeavour to have him removed from his command, and I succeeded so far as to have a resolution passed for recalling him, but General Washington remonstrated against it at so critical a time,

and the execution is now left to his discretion. In a word, Sir, so long as our Army is conducted by such officers, I shall not be very sanguine in my expectations of success, however I shall hope for the best, and as our Army is composed of good Troops, & in general of good officers from the Major Generals downwards and under the auspicious command of General Washington,—I shall keep up my expectations until I know the issue of another Battle. Our loss was not very considerable, tho' I know not the particulars. The Enemy have suffered so much that ever since they have not attempted to advance. General Washington has put his Troops again in order, and has disposed his Army, so as to hang on their flank if they attempt to cross the Schuylkill; I wish we could once bring ourselves to attack them, instead of waiting for them to attack us, we should certainly have the advantages which they now have over us.

Our affairs in the Northern department bear a very promising aspect. General Gates has a formidable army under his command, and was by the last accounts on the point of attacking General Burgoyne.

There are certain accounts of a plot of a very extensive nature formed in this State, for blowing up our Magazines, and destroying our Stores, the particulars are not yet come to light, but the execution is prevented.

Captain Caswell is well. I shook hands with him on the field of Battle.

I have the honor to be with the greatest respect and esteem your very humble servant.

THOMAS BURKE.

JOSEPH LEECH TO GOV. CASWELL.

[From Executive Letter Book.]

NEW BERN, Sept. 17th, 1777.

DEAR SIR:—

Capt. Bowling in a Schooner bound out for the West Indies, has just returned from the Bar, having had a narrow escape from being taken as there came over Ocracock Bar two Brigs, and came to anchor in the lower road yesterday morn, they have been cruis-

ing in company with a Sloop for some time past, close in with the Bar, and between Cape Hatteras and Cape Lookout. They made an attempt a few days before to come in, but one of the Brigs happened to strike on the Bar coming over, and they both went out again. Its very lucky for the Pennsylvania Farmer, that they went out again as they did, as she must inevitably have fallen into their hands, but the day she got in they happened to be to Leeward of the Bar towards Cape Hatteras, but in sight when the Farmer came in, and I think very fortunate for this Town that the Sturdy Beggar met with the misfortune of having one of her Lighters with provisions shot &c. on board, sank in Adam's Creek, which detained the Sturdy Beggar in the river,—What makes me think it a lucky circumstance is, that the Enemy's knowing them two vessels the Farmer and Sturdy Beggar being here, may perhaps prevent or discourage them coming directly up to Town, as we are in a very bad situation to prevent them, was it not for those two vessels.

I begin to be apprehensive of their being troublesome to us this fall and winter, as the situation of Howe's fleet is so near us, if something is not done to keep them from laying within our Bar. If its only them two Brigs, and the Sloop their Consort, we shan't have a single vessel coming in, escape them and will prevent our getting any further supply of salt or any thing else from the West Indies—there was a vessel Capt. Gibbins came last week into Beaufort from Providence, with a load of salt, and I have just heard there is 2 or 3 small vessels more, came in there also, with salt, and also a ten gun Sloop, bound to Baltimore put in there. One of the officers that came in the Sturdy Beggar has just come from the Lighter in Adams' Creek tells me they heard Monday evening and yesterday morning a considerable firing of cannon, which they imagined was across towards Beaufort, so that some of the tender or small vessels might have run in there to cut out those vessels, so that they may probably have a number of small armed vessels on the coast which your Excellency I hope will take into consideration, whether any thing can immediately be done for the protection of Trade, & the securing the stock on the Banks, which they may have an intention of getting to carry off. I have heard that there is one or two armed vessels at or near Edenton, that have been ready for the Sea for some months past, one from there with the Farmer and S. Beggar might be enough to manage

the Brigs at the bar, and the Sloop also if she has come in, if the Sturdy Beggar can be got, she is well manned already. We should be glad to know what possibly can be done for our present safety, as we are really in an indifferent situation for defence—was it not for the armed vessels being the river we might look for the enemy up to Town every hour. If your Excellency could possibly spare the time to come to Newbern you would be better able to judge what might be most proper to be immediately done.

I remain with the greatest esteem your Excellency's most obedient humble servant,

JOSEPH LEECH.

THOS. BURKE, J. PENN & CORNL. HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

PHILADELPHIA, Sept. 17th, 1777.

SIR:—

On the 11th Instant there was a very severe engagement between the armies of Generals Washington & Howe's on the Brandywine twelve miles above Wilmington, the enemy made the attack at 8 o'clock, it lasted with little intermissions until dark. The officers say the fire from the Cannon and small arms was the hottest they ever heard of, they kept the ground, but paid dearly for it, having from the best accounts we have had, lost upwards of 2000. men, one General and several field officers killed and wounded, supposed to be their best men. Our loss is said to be 700 killed and wounded, tho' the greater part of the latter were brought off, only one field officer was killed a Major Bush. The enemy got several pieces of Cannon from us. General Washington retreated over the Schuylkill, but the next day marched towards the enemy, taking an upper road. He soon got near the place where the late action was, the enemy having been the whole time busily employed in burying their dead, and taking care of their wounded. The armies have been manœuvring for two days, we expect there will soon be another action, it is with pleasure we can inform you that our officers and soldiers are in good spirits anxious for an opportunity of obtaining revenge.

You will observe from General Washington's letter to Congress,

that our losing the ground was owing to some mistake as to intelligence relating to the movement of the Enemy. Our affairs to the Northward are in a promising situation, General Burgoine has met with such a check as will make him more attentive to effect a retreat to Ticonderoga, than any thing else, as Gen'l Gates has nearly the double of his force & a large body are getting into his rear.

General Howe is making his last effort, if he meets with a defeat, he is undone, as he is a considerable distance from his ships, his situation is truly critical, we hope soon to be able to give your Excellency the agreeable news of the success of the American Arms. The North Carolina Troops were not engaged in the late action. Enclosed are some papers for your amusement, and am with due respect,

Sir, your most obedt sert

THOS. BURKE.

J. PENN.

CORNL. HARNETT.

ROBT. ROWAN TO GOV. CASWELL.

[From Executive Letter Book.]

CROSS CREEK, 18th Sept. 1777.

MAY IT PLEASE YOUR EXCELLENCY :

It gives me no small concern to think that I should be under the disagreeable necessity of troubling your Excellency at this time with the grievances that many of the Inhabitants of this County labour under, from the tyranny, oppression and ignorance of those men who were appointed to rule over us. We have nobody to complain to at present, but to your Excellency and I am well convinced from the humanity of your disposition, and your love of liberty, that you will endeavour to put a stop to the evil conduct of our Militia officers and Justices, for if they proceed in the manner they have gone on lately, it will oblige many of us to leave the Country, and seek protection elsewhere. This, Sir, proceeds from our opposition to a man. (I mean Mr. Wm. Rand) who was scarcely known in the County, till he made himself remarkable by plundering the poor ignorant Scotch people after their defeat at

Moore's Creek. This person, Sir, took most uncommon pains to have himself and friends elected Members of Congress, and contrived matters so that very few would be recommended for Justices, but such as he was well assured would give him their interest in the ensuing Court, for the Clerkship. This effected the next step he took, understanding that I had an intention of standing Candidate, still in hopes of strengthening his interest, and prejudicing me in the minds of the people, has falsely and maliciously reported that I had turned Tory, and in order to gain credit which he found some difficulty in, told all the lies his malice could suggest. My friends upon finding Mr. Rand a man of such a disposition were determined on opposing him, to the utmost, but as a large number of those in Commission were under promise of voting for him, there was no other remedy left, to keep him out, but by preventing if possible a majority from qualifying that Court, in hopes against the next of being able to get a favourable alteration in the Commission. For this purpose I spoke to John Matthews and Walter Murray, who were both in Commission, not knowing that they had been drawn over by the artifices of Rand, and begged the favour of their interests for the Clerkship, and among some other arguments that I had made use of to prevent their qualifying till the following Court, I told them that by that time, we should be better able to judge how matters were likely to go. I thought this the best argument I could make use of to men, of their cast, having sufficient reason to look upon them as timorous men from their behaviour at the time of the insurrection, for at that time if they favoured either side, it was evidently the Tories, at this time they well knew my motive, for speaking as I did, and am well convinced no further notice would have been taken of it, had I joined with them, and approved of the tyrannical measures they were pursuing. The particular offence I gave, beg leave to lay before your Excellency. There was Conner Donnel taken prisoner, and brought down under guard by Mr. Alston. I was much surprised on enquiry to hear of his being charged with treasonable practices, against the State, as from a conversation I had with him some time before, was persuaded he intended taking the oath. However knowing Mr. Alston's position well, I was afraid there was perhaps some private pique or resentment in the case, or that his crime must be very

great indeed, being informed that bail was denied him, and that Mr. Alston was determined on seeing him in jail before he left the Town. Upon meeting Mr. Alston I begged to be informed of Mr. Donnel's crime, he did not seem willing to give me much satisfaction as to the particulars, but just told me that if upon examination the Justices should discharge him, he would then upon his own authority put him in close jail, and that he would not Bail him for one hundred thousand pounds. Upon his saying this, I told him, if he did so, he would behave like a Tyrant, which threw him into a violent passion, and on the trial at Wilmington, it plainly appeared that personal resentment and malice governed the conduct of Mr. Alston during the whole prosecution. The day of the General Muster he behaved still more like a Tyrant, tendering the oath to people under arms threatening all those with immediate imprisonment that refused it, or were not able to give security, no respect of persons in this arbitrary manner, Sir, everything is carried on. The Inhabitants of the District of Cross-Creek were the only people in the County, who shewed their spirit at the time of danger. Sixty of these people voluntarily turned and joined Col. Moore at Rock Fish, yet those people, Sir, had John Matthews appointed Captain over them without so much as consulting one of them if he would be agreeable. On the day of the General Muster these men refused to act under him and gave for a reason that he hid himself in time of danger, and insisted upon having liberty to choose their officer, with great difficulty it was at last granted; but on the person's refusing to act whom they chose, a second choice was denied them, and Matthews is still Captain, but the men are determined to submit to any fine, rather than obey a man whom they have the greatest reason to look upon as a coward. If your Excellency would only please to interfere in this and allow us the liberty of choosing our Captain and subaltern officers, and ordering us to rank as first Company, as undoubtedly we are entitled to it, by what I have just before mentioned, it will be esteemed as the greatest favour. This was also the same Company Sir that I raised as Independants, when we were first threatened by the Scotch, and long time before the insurrection, and at a time when no other dare avow themselves. This has been the reason of Matthews enormity and the affidavit which Mr. Alston no doubt shewed your Excellency. I followed him to

Wilmington where he was in hopes the affidavit would injure me, but finding the people there too well acquainted with my principles he carried it off to your Excellency. It was so late before I was acquainted with Mr. Alston's designs, that he was left Wilmington before my arrival, being obliged to sneak off without effecting his wicked purposes. These men, Sir, notwithstanding what they have done, cannot have the least idea of my being a Tory, all my actions give their words the lie. They look upon me as an obstacle to their designs, that they will not have it in their power to tyrannise over the people in the manner they would wish, while I am in the least degree of credit with them. They know that I abhor tyranny in every shape, and therefore are determined to strike at me, and all those that I have any influence with. This is evident, they have attempted it already, and marked me and all my friends as Tories—(I would much rather at this time be called a Horse thief.) The behaviour of these men last Court was truly arbitrary, they paid not the least regard to the Act of Assembly, but summoned the people indiscriminately before them, those few indeed who had been most forward in the cause of liberty, were particularly pointed at, because many of them were friends of mine. Those that refused taking the State oath, were not bound in security to leave the country in 60 days agreeably to the Act of Assembly, but were compelled to take an oath to leave it. Many of them would have taken the State oath upon a little deliberation, but were tied down by their oath to go away, thus they had no time for repentance. One poor infirm man, seventy years of age, that many years had laid by the profits of a few potatoes, Turnips, Greens &c. was compelled to take this oath or go to jail, another poor man, from one of the back counties had his loaded wagon carrying home salt to relieve his family, brought back a dozen miles and the owner thrown into jail for saying he would not take the oath here, but in his own County. In short, Sir, it would tire your patience were I to give you a full detail of the behaviour of our worthy Justices. Mr. Alston seems to rule them all, and a greater tyrant is not upon earth according to his power, and it is much to be lamented, that about two or three years ago, no Gentleman that had the least regard for his character would have kept this hectoring, domineering, person company.

I can assure your Excellency, we have not the shadow of liberty

among us. The great object we are contending for, at the expence of our blood, our ruling men have at present lost sight of—I am not apt to complain the trouble that may ensue has wrung from me, I perhaps may have it in my power to defend myself from their attempts. Our jail in the hottest of the weather was crowded with miserable objects, several ill with the flux, Bail denied them—their crime no more than some ungarded words spoke in the heat of liquor—poor wretches unworthy of the least notice. It is not out of any personal pique or resentment to these men, Sir, that I have troubled you with this account, it is for the peace and welfare of the County, every thing set forth can prove by undoubted testimony, their insinuations with regard to myself I despise. It is true I can't help thinking I merited better treatment. I little thought some time ago, that I should ever be under a necessity of appearing at a Court of Justice to defend myself from a charge of Toryism. I fancy it would be difficult to find many people in my situation, that exerted themselves more in the defence of the Country, but I have never made a merit of it, in doing my utmost, I only did my duty, and am ready to do it again, when there may be occasion, I am only unhappy to live to be trampled upon by those that did nothing.

Before I conclude, beg leave to mention some circumstances that will induce your Excellency to be of opinion that these men I have mentioned to wit, Alston, Murray and Matthews, could not in their hearts think me an enemy to the American cause, notwithstanding what they have asserted to the contrary, you must know, Sir, that some weeks ago, we had information of a Mob being on their way to this place to carry off the salt at their own prices. The Inhabitants sent me word that if I would head them, they would endeavour to defend it, accordingly we got together, upwards of thirty persons armed, met the Mob, about 130 persons which we made prisoners of. I then informed them that they were worse than Tories, and that unless they took the State oath and paid the customary price, not a man should touch a grain of salt, such was the case not a man got a grain, but those who took the oath, Matthews and Murray were both present, and this was a considerable time after I had begged of them not to qualify—I also at the Court took the oath to encourage others, and make it appear that I have advised many people in this County to take the oath & be subjects to the

State—and I am at the defiance of any man to prove that in any circumstance, I have acted in the least degree like an enemy to the Country. I owe almost my all to it. My children are natives of it, and I am determined to stand up in defence of it, to the last drop of my blood—That your Excellency may long enjoy the Government of this State in peace and tranquility is the warmest wish of your Excellency's most obedient and devoted servant,

ROBT. ROWAN.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book.]

BURLINGTON, Sept. 20th, 1777.

D^r SIR:—

By the same opportunity which this goes, you will I hope receive a letter from me, in which I gave you a pretty circumstantial account of a very important action which happened on the eleventh instant, on the Heights near Brandywine Creek. Ever since we have been in constant expectation of another general engagement, and not free from the apprehensions from the consequence. I for my own part would be at ease could I confide in the abilities of our Superior General officers, for I had ample proof that our Troops are very good.

The question for adjournment from Philadelphia was daily agitated in Congress, but always overruled. On the night before last it received a complete decision—Intelligence was received from the General officer commanding on Schuylkill that the Enemy were then attempting to cross, and that they could not be prevented, and advising the Congress immediately to remove from the City. The movement was made not by a vote, but by universal consent, for every member consulted his own particular safety. I was wakened by a servant about two o'clock, and tho' I lost no time in preparing to depart, yet I did not choose to retreat with precipitation. I was not indeed fully persuaded of the necessity of the measure, and not very apprehensive for my personal safety.

About sunrise I crossed the Delaware, and made my retreat hither where I shall wait the issue of the Battle. It is now well

known that the alarm was groundless. No Enemy has yet passed, nor does it appear that they will be able to pass.

I have the Honor to be Sir your very obedt Servt.,
THOS. BURKE.

PETER & DANIEL MALLETT TO GOV. CASWELL.

[From Executive Letter Book.]

CROSS CREEK, 20th September, 1777.

SIR:—

Your Excellency will greatly oblige us by giving us an order on the Treasurer for the sum of two thousand pounds, proc. For which sum we shall be accountable when we settle with the Council, said sum not being near the balance due us by the State for Provisions supplied the Troops since the 6th of January last which was the time of last settlement. Without we can obtain the above order we cannot receive the money from the Treasurer.

We have made large contracts for provisions for the Troops, and unless we can be supplied with money from the Treasurers, we shall be under the disagreeable necessity of making sale of what provisions we have on hand in order to make good our agreements.

We doubt not but that your Excellency will take this matter into consideration, and order the above sum to be paid to—

Your Excellency's most obed Servants,
PETER & DANIEL MALLETT.

SPYERS SINGLETON, JAS. PARRATT, JOHN EASTON, AND
OTHERS, TO GOV. CASWELL.

[From Executive Letter Book.]

BEAUFORT, Sept. 20th, 1777.

SIR:—

We beg leave to lay before your Excellency the critical situation of this place, and the damages that may accrue to this State, as well as the cause in general, for want of a few pieces of Ordnance placed at this Inlet. We presume with three or four 6 or 4 pound-

ers, we could secure the inlet from the attempts on Trader. The whole of the Trade was carried on to South Carolina from this State, and Virginia, supplying our Army with abundance of real necessities as the vessels come in here, and pass the Sound to the South Key,—we also have numbers of vessels that fall in here from the West Indies, with very valuable cargoes, which may be conveyed almost to all parts of this State, at a small expense and safety. We every day expect a visit from the enemy, as they have already done considerable damage at Ocracock, by taking away a Brig, and running ashore a Sloop, loaded with salt. The above considerations we humbly submit to your Excellency, and are with the most sincere esteem and regard, your Excellency's most Obedt H^{ble}. Servts.,

SPYERS SINGLETON.
JAMES PARRATT.
RD. BLACKLEDGE.
JOHN EASTON.
ENOCH WARD.
WILLIAM BOWEN.
JOHN JONES.

JAMES BUCHANAN TO GOV. CASWELL.

[From Executive Letter Book.]

WINDSOR, BERTIE COUNTY 22^d Sept. 1777.

SIR:—

Enclosed is three certificates from the Clerk of our County Court, certifying that the Revd. Mr. Francis Johnston, Mr. Robert Lenox, and myself, have given bond and security, to depart the State in sixty days from the date, having refused to take the oath prescribed by this State.

The purport of this is, to request your Excellency to grant us a pass, in order to prevent us from being molested, while in the Country, and also if possible to hinder American cruisers, from making a prize of us on our passage to the West Indies, having no commodities on board, but what we are permitted to carry out by the laws, of this State. In case it should be necessary, I have

subjoined a manifest of Cargo, on board my small Brigantine & remain

Respectfully Sir your very huml Servt.

JAMES BUCHANAN.

The Honorable Richard Caswell.

Manifest of Cargo on board the Brigantine Tryal, Peter Murry Master. Bound for Saint Croix—

10 Hogshead Staves.

5 Hhds Tobacco.

Burthen about

35 or 40 Tons.

1 Lnd Leading

& a bundle of Deer skins.

ME. HILLEGAS TO GOV. CASWELL.

[From Executive Letter Book.]

READING, Sept. 24th, 1777.

SIR:—

I have the honor & favour of Capt. Cosmo Medici by directions of the Honble the Treasury Board of sending you the following Contl. Loan office certificates, which you will please deliver to the Commiss'r of the Continental Loan office in your State, requesting at the same time you will please to give the said Medici duplicate receipts for his having delivered them to you, one of which he will transmit or bring me, when you deliver them to your Commissioner please get him to do the same to you. I should not thus be troublesome if I knew who your Commissioner was, but would send to him immediately.

I am Sir with much esteem and regard

your most obedt Servt.,

ME. HILLEGAS.

Com & Treasr.

Inclusive

| | | | | |
|-------------|--------------------|-------|------|----------|
| 100 of 1000 | dollrs to be numbd | 106 A | 205 | 100,000. |
| 162 | 600 | 176 a | 337 | 97,200. |
| 247 a | 500 | 245 a | 491 | 123,500. |
| 325 | 400 | 321 a | 675 | 130,000. |
| 325 | 300 | 351 a | 675 | 97,500. |
| 508 | 200 | 616 a | 1124 | 101,800. |
| | | | | 650,000. |

THOS. HENDERSON TO GOV. CASWELL.

[From Executive Letter Book.]

GRANVILLE, 25th Sept. 1777.

MAY IT PLEASE YOUR EXCELLENCY :

SIR :—

My brother John, waits on your Excellency for two dozen Marriage Licences, and as many letters Testamentary for the use of the Guilford Office.

I am your Excellency's most Dutiful & very Hble Servt,
THOS. HENDERSON.

LT. GOV. JOHN PAGE, OF VA., TO GOV. CASWELL.

[From Executive Letter Book.]

IN COUNCIL WMSBURG, Sept. 26th, 1777.

SIR :—

The Board having received information that the Ocracock Inlet has been blocked up, by some of the Enemy's small Cruisers and Tenders, and it being suggested that if the Gallies, which were directed to be built and fitted out at the joint expense of North Carolina and Virginia, or even any one of them, could be expeditiously equipped, that important pass might be easily opened to the great advantage of these States, and possibly to the disgrace and destruction of that part of the Enemy's Fleet.—It is therefore hoped that your Excellency will give such orders in this matter, as may appear to you most likely to produce the desirable purposes just mentioned. We have desired Chapion Francis Esquire, one of the Commissioners of the Navy to examine into the State of the Gallies at the South Quay, & to give directions for the immediate Execution of what may be wanting in our part, that we may be able as soon as possible to cooperate with your State in the most vigorous manner, for our mutual defence. I cannot refrain from acknowledging the obligations I think the State is under to you Sir, for the orders you issued for one third of your Militia to hold themselves in readiness to march to our assistance on the late alarming occasion, and to the good people of North Carolina for

the readiness they have always shewed to assist us. May an affectionate mutual attachment between Carolina and Virginia ever increase, to the Honor and security of the United States in general, and of these contiguous sister States in particular.

Last Tuesday evening the whole of the Enemy's Fleet, which had gone up the Bay, went out of our Capes. We have received no authentic accounts, but from the best that can be collected, we lost 6 or 8 hundred men—& the enemy near 2000 in the action on the 11th instant.

General Washington has received Reinforcements and Howe has retired, from the Head of Brandywine to Wilmington. I have enclosed you the papers of the week for your further information, and have the Honor to be with the highest respect

Sir, your most obed. Servt.

JOHN PAGE.

CORN'L HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

LANCASTER, Sept. 27th, 1777.

SIR:—

I did myself the Honor of writing your Excellency a few days ago from Philadelphia, since which Congress have been obliged to Decamp. Gen^l Howe having by many different manouvers got between our Army and the City, and can when he pleases take possession of it. But it seems his intention to come to another Battle with our Army first.

Gen^l Washington will in a day or two be reinforced with 1500 Regulars, under Gen^l M^cDugal from Peekskill, and 2000 Virginians, and we hope will be able to be circumvent Howe's schemes, should he meet with a severe check now his situation will be rendered uneasy to him, if he is not entirely ruined. General Gates' Army to the Northward is very strong, and we have every reason hourly to expect good news from that Quarter. It is thought Gen^l Burgoine must fight or retire, either of which must put an end for some time to further hostilities in that Quarter we hope. Congress intends to proceed to business this day. I can send your Excel-

lency no Newspapers as yet. Messrs Burke and Penn are neither of them arrived, I expect them to-day,

I am with great regard,

your Excellency's most Obed^t hum^l Serv^t,

CORN'L HARNETT.

ELIAS HOELL TO GOV. CASWELL.

[From Executive Letter Book.]

BEAUFORT COUNTY WASHINGTON, Sept 30th, 1777.

SIR:—

Enclosed, I present your Excellency with the Ensign's Commission which I obtained when the Convention sat last at Newbern, and which I should have thought myself highly honored still to have retained, had it not been for particular reasons, which renders it highly impracticable for me to continue, especially at this time in the service of the United States. But your Excellency may depend on the most implicit obedience whenever the safety of the States shall demand it.

I am and will ever continue a sincere friend to the States, as well as your Excellency's most obed^t Hum^{le} Serv^t.,

ELIAS HOELL.

JOS. BLOUNT, ROB. SMITH, & CHAS. BONFIELD TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 30th Sept. 1777.

SIR:—

It now from the following circumstances becomes our duty to inform your Excellency that the Prisoner under the condemnation of death and reprieved by your Excellency and your Council 'till the meeting of the next General Assembly, as well as many others now confined in our jail charged with criminal offences, many of them have been found guilty by the grand Jury for this District, of Misprison of Treason, who from the ill repair the said jail is now in and the impossibility of making it at any rate safe, without a Guard may with the utmost ease make their escape, at what ever

time they please, and bid defiance to the Laws they have violated by the determination and verdict of their Country. Our County and Town have hitherto guarded the jail and Magasine which the commanding officer in concert with them thought necessary, never doubting but the charge would be made a general one, as equally interesting to the whole State. But as some Reports have lately prevailed that the charges already due and arisen for keeping a guard for the purposes before mentioned, will not be allowed without a sanction from your Excellency and Council, the guard refused to do any further duty, and the Magasine which is of the utmost consequence, as well as the jail, are now for want of a Guard exposed to the bad designs of any Villain. We conceive by the Constitution you have full power of and the ordering the Militia vested in you, we think it proper to desire of your Excellency that you would with the advice of your Council, give orders to the commanding officer of the Militia to order such a guard to be kept as he may think sufficient for the preservation of the Magasine & the safe keeping the jail, and we do assure your Excellency that the stores at present in the Magasine in this Town are of too much consequence to be neglected.

We are your Excellency's most obt Servts.

JOS. BLOUNT.

ROB SMITH.

CHAS. BONFIELD.

HON. C. HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

YORKTOWN PENNSYLVANIA Sept. 30th 1777.

DEAR SIR:—

I take the liberty to inform your Excellency that Congress have at last fixed themselves in this Town, where they in all probability will remain for some time. An express has this day been received from Gen^l Gates, who informs Congress of an action which happened on the 19th Instant, within three miles of Stillwater, between our Army under his command and that of the Enemy under Gen^l Burgoyne. It continued several hours, but night put a stop to it. Both Armies retreated to their Encampments leaving the field to be again disputed on another day. The left wing of our Army

only was engaged against the whole of the British and most of the Foreign Troops, a heavy and brisk fire was kept up on both sides. We had 2 Lieut-Coll's, 3 Captains, 3 Subs, 2 Sergeants, 2 drummers and Phifers, and 51 rank and file killed. Several officers and 180 odd wounded. The Enemy's loss was very considerable, supposed to be at least 1200 killed and wounded. It is said by Prisoners and Deserters that Gen^l Burgoin received a wound in his shoulder, his situation is so very critical that we have the most sanguine expectation of hearing in a few days of his meeting with a total defeat. Gen^l Lincoln has taken by a party sent from his Army on Lake George and Lake Champlaine, upwards of 200 prisoners with their arms, and released 100 of our men who were prisoners in that Quarter, and it is supposed a successful attack will be made on Ticonderoga very soon. I wish I had it in my power to give your Excellency as pleasing an account of our affairs in this Quarter. Gen^l Howe is, or can be in the possession of Philadelphia when he pleases. Gen^l Washington's Army are upon Schuylkill, between Reading & Philadelphia. A reinforcement of 1500 Regulars under Gen^l M'Dugal has joined him, and upwards of 2000 Virginians are on their march for the same purpose, and it is believed Gen^l Washington will march to Philadelphia, or near it, and that another general Battle will be fought in a few days. The Enemy are not as yet in the possession of the River. Our Troops and armed Vessels intend to defend the Fort to the last extremity. A firing was heard on Saturday last, which continued some hours, supposed to be between some of the Enemy's ships and the Fort. The particulars have not as yet been received by Congress. I should be very happy to receive a line from you as often as you can find leisure. Messrs Burke and Penn are not yet arrived, but I expect them every hour.

I am with great respect

your Excellency's most Ob^t hum^l Servt.,

CORN'L HARNETT.

EDWARD INGRAHAM TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, 1st October, 1777.

SIR :—

By order of Capt. Forster I have for some time past kept a Rendezvous in order to enlist men for the Washington. She is now full manned; and am anxious to know how said Rendezvous is to be paid off. I have applied to the agent, who tells me he is also at a loss. I would therefore intreat your directions, as I am now under sailing orders, & at a loss how to proceed, and should be glad to have a list of the officers pay.

I am Sir with respect

Your Ob^t Hum Servt.,

EDWD INGRAHAM.

SAML JOHNSTON TO GOV. CASWELL.

[From Executive Letter Book.]

HAYES 1st October, 1777.

DEAR SIR :—

The Bearer Mr. Alexander Black, waits on your Excellency to procure a safe conduct for himself and some others, who are about to leave this State under the late Act of Assembly. I take the liberty to recommend them to your Excellency as men of fair character and inoffensive in their conduct, and therefore hope to experience your wonted candour and humanity in expediting the necessary passports. I found myself under a necessity of declining to act as Judge of the Court of Oyer. All the Bar concurred in my opinion.

Enclosed are the last papers. I would have wished to have sent you more particular accounts, but none such are come to hand, which makes me fear there is nothing good for us. I tremble for Philadelphia.

I hope to hear by the return of the bearer, that you & your family are perfectly recovered, be pleased to present my most respectful compliments to Mrs. Caswell, and believe me

with the greatest respect and esteem,

Sir, your Excellency's most Ob^t Servant,

SAML JOHNSTON.

WM. BORDEN TO THE COUNCIL & GOV. CASWELL.

[From Executive Letter Book.]

October 2^d, 1777.

RESPECTED FRIENDS, TO GOVERNOR AND COUNCIL :—

After kind and hearty respects to you all, be pleased to order your Commissioners of the salt works at Core's Sound, to deliver me a little salt for the use of the Company there, as they are obliged to live mostly upon fresh provisions, they cannot do without salt. It has taken considerable to serve them already, and I expect it will take a great deal more, in so doing you will greatly oblige your assured friend.

WILLIAM BORDEN.

Please set a price on the salt.

P. S. If the Governor & Council with the Assembly should think proper to take the salt works when offered to you, as I understand it is intended to be, and shall want a man to undertake to carry it on for the public, I offer myself to serve you, in that case believing myself to be quite capable to carry them on. Living very handy and quite convenient for that purpose. To conclude.

Your assured friend,

WILLIAM BORDEN.

HON. J. PENN TO GOV. CASWELL.

[From Executive Letter Book.]

YORK TOWN, (Pa.) October 5th, 1777.

SIR :—

Your favour of the 2^d September, I this minute received and am glad to hear that the money, tho' very late has arrived. The Congress left Philadelphia about the 20th and are now at this place doing business. Our Military affairs have taken an unexpected turn, Genl. Howe is in possession of Philadelphia, without a second battle, this in some measure has been owing to very great rains, that happened on the instant of the armies engaging, as our soldiers are without Tents, the baggage having been sent some distance. Their Guns and Powder were so wet that Genl. Washington was

obliged to retire some distance to refit, and get other powder, &c. I understand that Genl. Howe has not suffered his Troops to march into the City, and has done little violence as yet to any of the Inhabitants.

Genl. Washington's Army is greatly reinforced by the Militia from Virginia and the Jersies, so that I expect it will not be long before he attacks the Enemy. I am not able to give you an account whether the Enemy or we are in possession of the Delaware, not having heard for several days.

Genl. Burgoyne and his army are in a situation very critical, he having lately met with a repulse in an attack on Genl. Gates, who has upwards of 9000 men with him, and 6 or 7000 behind Burgoyne under the command of Genl. Lincoln. We have taken the greater part of the Enemy's water craft, and are in possession of the lines near Ticonderoga, so that we expect that Fort is in our possession again, as it was besieged more than ten days ago. It is said that Burgoyne has not more than 6 or 7000 soldiers with him. The Indians have all declared on our side, and of course left him. Should we be able to destroy that army Genl. Howe must retire to New York, or run a very great risk of suffering that place to fall into our hands, as he cannot keep that and Philadelphia without the assistance of Burgoyne.

The Inhabitants of this State are much decided in their sentiments, they are all Tories, the way that Genl. Howe marched. They wish him success but have not courage to join his army.

I was lately at Camp, when your son was well. I am in hopes soon to be able to give you a more pleasing account of our affairs here. I shall apply to Congress to give some directions relative to the Pork you mentioned, to morrow. I am with due respect, Sir,

Your Obt Servt.,

J. PENN.

COPY OF GENL. WASHINGTON'S LETTER.

[From Executive Letter Book.]

CAMP AT PENNIBAKER MILL 5th October 1777.

SIR:—

Having received intelligence thro' two intercepted letters, that Genl Howe had detached a part of his force for the purpose of

reducing Billing's Fort, and the Forts on Delaware. I communicated the accounts to my General officers, who were unanimously of the opinion that a favorable opportunity offered to make an attack upon the Troops, which were at or near Germantown. It was accordingly agreed that it should take place yesterday morning, and the following dispositions were made—The Divisions of Sullivan and Wayne flanked by Conway's Brigade were to enter the Town by the way of Chesnut Hill, while Gen^l Armstrong with the Pennsylvania Militia should fall down by the Manatawny road by Vandaring's Mill, and get upon the Enemy's left and rear. The divisions of Green and Stephens flanked by McDougalls Brigade were to enter by taking a circuit by way of the Lime Kiln road at the Market House, and to attack their right wing, and the Militia of Maryland and Jersey, under Gen^l Smallwood and Foreman were to march by the old York road and fall upon the rear of their right. Lord Sterling with Nash and Maxwell's Brigade was to form a Corps-de-Reserve. We marched about 7 o'clock the preceding evening, and Gen^l Sullivan's advance party drawn from Conway's Brigade attacked the Picket at Mount Airy on Mrs. Allen's house about sunrise the next morning which presently gave way, and his Main body consisting of the right wing following soon engaged the Light Infantry and other Troops encamped near the Picket which they forced from their Ground leaving their baggage. They retreated a considerable distance having previously thrown a party in Mr. Chew's house, who were in a situation not to be easily forced, and had it in their power from the windows to give us no small annoyance, and in a great measure to obstruct our advance.

The attack from our left Column under Gen. Green began about $\frac{3}{4}$ of an hour after that upon our right, and was for some time equally successful, but I cannot enter upon the particulars of what happened in that quarter, as I am not informed of them with sufficient certainty & precision. The morning was extremely foggy, which prevented our improving the advantage we gained as well as we should otherwise have done—this circumstance by concealing from us the true situation of the enemy obliged us to act with more caution and less expedition than we could have wished, and gave the enemy time to recover from the effects of our first impression, and what was still more unfortunate, it served to keep our different parties in ignorance of each others movements, and hindered their

acting in concert. It also occasioned them to mistake one another for the enemy, which I believe more than any thing else contributed to the misfortune which ensued. In the midst of the most promising appearances, when every thing gave the most flattering hopes of victory, the Troops began suddenly to retreat and entirely left the field in spite of every effort that could be made to rally them. Upon the whole, it may be said the day was rather unfortunate than injurious. We sustained no material loss of men, and brought off all our Artillery except one piece which was dismounted.

The Enemy are nothing better for the event, and our Troops, who are not in the least dispirited by it, have gained what all young Troops gain by being in action.

We have had, however several valuable officers killed and wounded, particularly the latter. Gen. Nash was among the latter, and his life is despaired of. As soon as it is possible to obtain a return of our loss, I will transmit it. In justice to Gen. Sullivan and the whole right wing of the army, whose conduct I had an opportunity of observing as they acted immediately under my eye, I have the pleasure to inform you, that both officers and men behaved with a degree of gallantry that did them the highest honor.

I have the Honor to be with the greatest respect, &c.

G. WASHINGTON.

P. S.—As I have observed, I have not received a return of our loss but from what Gen. Green informs me, I fear it is more considerable than I at first apprehended it to be. The Cannon mentioned above is said to have been brought off in a wagon. To Hon. John Hancock, Esq.

HON. J. PENN TO GOV. CASWELL

[From Executive Letter Book.]

SUNDAY MORNING, October 6th, 1777.

DEAR SIR:—

This minute we had an Express from Head Quarters and are informed that General Washington had harangued his Army, who promised to follow him where he pleased, the express says the Soldiers are in high spirits, and that the General has promised them the plunder &c. of the Tories in the City for two days if they

defeat Howe's Army, and that the General is determined to attack Howe, who is in the City. I do not mention this as a fact, but it seems to be generally believed here. You will observe from Howe's proclamation that he thinks he has ruined us by refusing to continue his days of grace, no more pardons to be granted. I hope soon to write your Excellency something that will be worth reading.

I am with respect, Sir, your obt Servt.,

J. PENN.

This in haste in the street.

CAPT. BENJAMIN STEDMAN TO GOV. CASWELL.

[From Executive Letter Book.]

BATH 8th October 1777.

SIR:—

According to orders received from your Excellency for recruiting in the fifth Battalion of this State, I am very sorry that its not in my power to send your Excellency a much greater return of our success, than I am here obliged make, three officers have got only three new recruits, its almost impossible to get any one to enlist, as the Gentlemen of the Militia are giving fifty, sixty, some more, dollars for each soldier, that will go for them, and that the others will not 'list for thirty, when say they can get a hundred tho' I am still in hopes by the capitulation of the other officers that we shall get some few more.

Sir I shall beg leave to acquaint you that I have three or four of our men left sick, one of which I believe will never do for a marching soldier as his leg is very bad and have been so twelve months past. I should be glad to have your advice on him, I also beg leave to acquaint your Excellency there is one John Kenneday a soldier, belonging to the 5th now in Kingston, in Col. Sheppard's Battalion, who I understand has acquainted you he enlisted for six months only—I myself enlisted him for two and a half years and he has deserted this thirteen or fourteen months. Any commands your Excellency has for me or any officer of the 5th Battalion shall most gladly obey—I am with all due respect your Excellency's most obedient and very humble servant.

BENJAMIN STEDMAN.

WILLIAM TODD & WILL WILLIAMSON TO GOV. CASWELL.

[From Executive Letter Book.]

MAY IT PLEASE YOUR EXCELLENCY :

SIR:—

We are extremely sorry that we are under the necessity of troubling you again about our situation. Nothing but the distress we are reduced to, and a firm reliance on your Excellency's humanity and benevolence could have induced us to do it. Altho' it is our misfortune to differ in opinion with the people in this Country, yet none of us (subscribers to this letter) have ever done any thing either to prejudice or interrupt the success of the cause for which they contend. After refusing the oath of allegiance to the State, we used our utmost endeavours to leave it, but after all our efforts, and considerable expense we found it impossible to get away, before the expiration of the Term limited by the Assembly. We therefore waited upon your Excellency when you was so good as to grant us your protection, which we deemed perfectly sufficient to screen us from any ill usage or imprisonment, 'till such time as your Excellency had an opportunity of calling the Council.

When we were at Newbern we also agreed with Mastr. Hamilton for our passage to the West Indies, conceiving that a necessary step in order to prevent our breach of the oath we had given to depart the State as soon as possible, which was the mode adopted by the Magistrates of this County at the last Court, in lieu of requiring security from the Delinquents as ordered by the Assembly.

We therefore depending on your Excellency's protection, and anxious to see our wives and our children once more before we left them, returned to this County, where we remained but a few days, before the Magistrates thought proper to confine us in jail. This step entirely puts it out of our power to leave the Country by Mr. Hamilton, as we intended, and as there is no appearance of another opportunity, & some of us are but scarce of money, and are liable to forfeit the amount of our passage with him, we beg and hope that your Excellency will be pleased to take such steps as will enable us to go with that vessel. We have already offered to give the Magistrates of this County, security for our departing the

State, with Mr. Hamilton, but they insist on our appearance at the ensuing Court, which unfortunately, happens too late for that opportunity, so that we have no hope or dependence but on your Excellency's clemency and power, which we beg you would be pleased to exert in our behalf, and the obligation shall ever gratefully be acknowledged by your Excellency's most Obdt. & humble Servts.

Cumberland Jail
8th Oct. 1777.

WILL WILLIAMSON.
WILLIAM TODD.

HON. C. HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

YORK TOWN PENNSYLVANIA Oct. 10th, 1777.

SIR:—

I had the honor of receiving your favour of the second of September, two days ago, and I am surprised you have not received four other of my letters since the 11th of August. I fear there is little dependence on our Post office for the safe conveyance of intelligence. Since mine, soon after the Battle of the Brandywine nothing happened material in the movements of Gen'l Washington's Army, until the 4th Instant when he attacked the Enemy early in the morning. The particulars you have enclosed in an abstract from the General's letter to Congress. Poor General Nash is since dead of his wound, his thigh being shattered by a Cannon Ball, we lost several other brave officers and many wounded, the latter were all brought off the field. The Enemy as appears from a deserter had Gen'l Agnew Col. Bird & Col. Walcot killed, with several other officers. Also Gen'l Sir William Erskine wounded in the head & ancle, it is said mortally. The whole loss of the Enemy by several accounts amount to about 800 killed and wounded.

I forwarded your letter to Capt. Caswell by express. Our President enclosed it in his letter to the Generals. I have not the least doubt of his having come off unhurt. God send it may be so.

It gives me pleasure to hear Col. Sheppard's Battalion is in such forwardness, and hope they may arrive here in time to be service-

able. Our affairs to the No'ward wear a very promising aspect, since the late drawn Battle in that Quarter, of which some time ago I gave you information. It is firmly believed Gen^l Burgoyne must meet with inevitable ruin. It is imagined Gen^l Washington intends very soon another attack on the Enemy's Army—he has since that of the 4th Instant been reinforced by a large body from Virginia and Peckskiln. I am rejoiced to hear the Tories have been prevented from carrying their infernal plan into execution—I hope decisive measures will be adopted to bring the Ring-leaders to punishment.

Congress have once more began to think of confederation, I could wish to know the sentiments of our General Assembly upon some Capital points. The method of voting by States was yesterday determined, viz, that each State should have one vote, no colony against it but Virginia. The grand point of settling the Quota of Taxes each State is to pay, comes on this afternoon. Three proposals have been made, one to tax by the Poll, another to assess the value of the Lands, and the other to assess property in general. The latter at present I think most equitable, should the Confederation be agreed upon Mr. Penn and myself will embrace the earliest opportunity of transmitting it to your Excellency, to be laid before the General Assembly. The Delegates of the several States are exceedingly anxious to finish this business, many assert that the very Salvation of these States depend upon it; and that none of the European powers will publicly acknowledge them free and independent, until they are confederated. The time of Congress ever since my arrival has been chiefly taken up with army matters.

We have as yet no printing press, or Post Office established here, this will be done in a few days. I shall then have it more in my power to communicate to your Excellency every piece of interesting intelligence which comes to hand, at present I can hardly find time to write a letter, Congress sits from morning 'till night, and Committees 'till 10 & 11 o'clock. In fact I am almost tired of my troublesome office, and heartily wish to be with my family. I have not time to enlarge, but have the honor to be with respect your Excellency's most obdt & very huml Servant,

CORN'L HARNETT.

I beg your Excellency will remember me most respectfully to your Council.

HON. J. PENN. TO GOV. CASWELL.

[From Executive Letter Book.]PENNSYLVANIA YORK TOWN, Oct. 10th, 1777.

SIR:—

On the 4th Instant about six in the morning General Washington attacked Genl Howe's army in different places, the enemy were surprised and drove every where for three hours. Our Troops behaved with great courage, and to their Honor tho' they passed thro' the enemy's Camp where their Tents were full of Cloth and other things, yet none stopt to plunder, Genl Howe was so alarmed that it is said that Chester was pitched upon as the place for his army to retreat to, but unfortunately at that instant two of our Columns mistook each other for enemies, and both returned in such haste that there was no such thing as rallying the men. This was owing to a very great fog, that lasted until after the Battle which continued until nine o'clock besides there was no air to carry off the smoke of the Guns so that a man could not see 50 yards.

The Enemy were astonished at our retreat as they looked upon every thing as lost with them, they give Genl Washington great credit for the manner of his attack as they often tried but never could once flank us, we brought away all our Cannon and nearly all of our wounded. Poor Genl Nash was killed by a Cannon ball with his horse. His Brigade was to act as a Corps-de-Reserve. I believe very few of our Troops were engaged from what I hear, and that our worthy Genl was killed at a great distance by mere accident, he was highly esteemed in the army. It is said Col. Buncombe & Col. Erwin are taken prisoners by being lame, tho' not wounded. Your son I am told is very well indeed. The above are all I can hear of that belonged to North Carolina that suffered. We have no return yet of our killed and wounded, it is supposed to consist of about 700. The accounts given by different persons make the Enemy's loss to be very considerable, they say that near 300 wagon loads of their wounded were sent to the Barracks in Philadelphia, and that Genl Howe refused to let the Citizens walk on the field before the dead were taken care of. Genl Agnew is dead. Sir William Erskine wounded in the head, supposed to be since dead,

and a very large number of others killed and wounded. As soon as we get returns, I will transmit them to Carolina. General Washington has had a considerable reinforcement from Virginia, and elsewhere, since the Battle, I hope he will give Howe another stroke before we lose possession of the river Delaware, which would ruin him. Our men are in high spirits on finding they can make the Enemy's best Troops run by attacking them with courage, and are sensible now if they had rallied or not have been surprised in the manner above mentioned, that Genl Howe and his whole army would have been ruined. Our affairs to the Northward are in a good way, I hope soon to have it in my power to write you that Burgoyne and his Troops are in our hands. Enclôsed is a letter from Buchanan, Commissary Genl, relative to the Pork you mentioned.

Please inform Mr. Nash that I will endeavour to have proper care taken of the Genl's effects for the benefit of his family. I wrote in a very great hurry to him two days ago yesterday requesting he would shew you the letter, must now request your Excellency would communicate this to Mr. Nash. I am with due respect, Sir.

your Obt Servt.,

J. PENN.

Since writing this letter I am told that Gen^l Washington is marching towards Philadelphia, to give Gen^l Howe another attack, his men are in high spirits, we are still in possession of the River. Miss Lucy Leonard a young lady lately out of the City, says the British officers have long faces, and declare that they have not had such a drubbing since Bunker Hill, that the city appears to be in mourning, the cry of the Tories was that they must leave the Town with Gen^l Howe, that all the Hospitals with several empty houses could not contain their wounded, that Gen^{ls} Agnew, Grant, Kniphausen, and Sir William Erskine had died of their wounds. Your son is well, I am told that Gen^l Nash was wounded in the beginning a great way off by accident, as he could not be seen. A gentleman informs me he was so ill as to make any assistance unnecessary, and that he left him on Monday at the last gasp.

I am yours &c.

JOHN PENN.

 ORDERS FOR BURIAL OF GEN. NASH.

 HEAD QUARTERS, TOAMENSING, Oct. 9th 1777.

Brigadier General Nash will be interred at 10 o'clock this forenoon, with military honors, at the place where the road where the troops marched on yesterday comes into the great road. All officers, whose circumstances will admit of it, will attend and pay this respect to a brave man who died in defence of his country.

 GEORGE WASHINGTON.

 W. BRIMAGE TO GOV. CASWELL.

[From Executive Letter Book.]

SIR:—

Shall be obliged to your Excellency for an order to Capt. Anderson, at Ocracock to deliver my Portmanteau &c., which he took from my lodgings into custody, and retains notwithstanding the Justices soon after my coming up to Edenton wrote to him to send them, which he either never received or pays no regard to. Your compliance will greatly oblige

Sir your Excellency's very humble Servt.,

W. BRIMAGE.

 Westbrooke, Bertie October 10th 1777.

 COL. ABRA. SHEPPARD TO GOV. CASWELL.

[From Executive Letter Book.]

 CONTENTNEY, the 15th of October 1777.

DEAR GOVERNOR:—

I am just from Camp in the Ocanaches, over Roanoke, and should have been far on my march, but waiting from Monday the sixth of this month 'till yesterday, and not having the good fortune either to see or hear of the Commissary of Stores, and on enquiring into the Stores by Col. Long there is neither shoes nor breeches for the soldiers, nor Blankets or stockings. So I thought it most proper to wait on you which I shall do to-morrow, and on some

other accounts which I shall communicate when I see you. I saw Col. Harris of South Carolina at Halifax, who was in the Battle, and acted that day as Aidecamp to General Washington, and I made particular enquiry after your son's health, he told me he was well, and was not called on in the Battle, although he is thought a good & brave young officer by the General. All my men are hearty and in good spirits, and have all pretty well come into Camp. I have been much harrassed for Bread, the Mills being all dry, although we have just kept enough to satisfy them. The bearer Benjamin Crossen who does deliver this came to me at Camp, with some of his friends, who says he is unjustly dealt with as will appear by his papers.

I am Sir your most humble servant,

ABRA. SHEPPARD.

WM. COCKE TO GOV. CASWELL.

[From Executive Letter Book.]

October 15th 1777.

SIR:—

The bearer Mr. Walker waits on you with complaints that I was not duly elected Clerk for the District of Washington with some ex-party depositions and letters explanatory. I beg leave to trouble you with a copy of the Court's order as p^r enclosed, and shall thank you to excuse the unnecessary trouble, I am giving you which I should have avoided, had I not understood that some Gentlemen have given testimony in order to invalidate the records of a Court of which they are members, and was present when the order issued, as you will see by the copy.

I am your most &c.

WM. COCKE.

His Excellency Richard Caswell.

At a Court held for Washington District this 4th Tuesday in August, 1777.

Present John Carter Senior, Andrew Green, John M^cNabb, W^m Clark, Joseph Wilson, Benjamin Guest, Thos. H. Haughton, Jacob Wammock, John Chisholm, W^m Bean, George Russell, Chas. Robertson, Zacha. Isbell and John M^cMason. Gen^l ordered that William Cocke be appointed Clerk of the Court of the Washington District, he being duly elected and have taken the usual oath for the performance of his duty of his said office. A copy

WM. COCKE, C. C. W. D.

[From Executive Letter Book.]

Dear Bryson, I am all *flustration*, read the following.

KINGSTON 15th, Oct: 1777, 10 o'clock P. M.

D^r GENERAL.

What follows is a copy of a letter from the Chairman of the Committee of the City of Albany to the President of the Council of Safety. I congratulate you on the *importance* contained therein.

ALBANY, 15th Oct. 1777.

Last night at 8 o'clock the Capitulation whereby Gen^l Burgoyne and the whole army surrendered themselves Prisoners of War, was signed and this morning they are to march out towards the River and Fish Creek with the Honors of the War; and there ground their arms. From thence they are to be marched to the Massachusetts Governmept. Glorious God be praised for his mercies; I cannot write more.

HUGH SMITH.

HON. J. PENN TO GOV. CASWELL.

[From Executive Letter Book.]

YORK TOWN, Oct. 16th 1777.

DEAR SIR:—

We are this minute informed of a victory obtained by Gen^l Gates, over Gen^l Burgoyne. We attacked and forced their lines, took 500 prisoners, killed many, got 9 Brass field pieces from 9 to 12 lbs. 330 Tents with their kettles &c. The Enemy retreated in the night, & we are in pursuit of them towards Ticonderoga. Our loss was trifling except Gen^{ls} Arnold & Lincoln both wounded in their legs. These were very great officers. In the late Battle between Genls. Washington & Howe, most of the North Carolina Troops were engaged, and behaved well. Col. Martin was arrested for cowardice. I have not heard the event. Gen^l Nash died two days after. Col. Polk's son wounded, not bad. I expect there will be another battle soon, Your son is well.

I am with due respect, Sir, your Ob^t Serv^t.,

J. PENN.

Excuse haste and little paper.

JAS. ROBERTSON TO GOV. CASWELL.

[From Executive Letter Book.]

OCT. 17th day 1777.

HOND. SIR:—

I have just returned from the Cherokee Town & left them, by all appearance in a disposition of peace. I have no apprehension of their breaking out, except they should be influenced by Cameron, who is coming into their Towns.

The Great Warrior desires application might be made to the State for goods to be sent to their Towns, that might supply them. Cameron wont suffer goods to come to the upper Towns, on Tennessee while they continue in peace with the Americans. The Indians say he makes much diversion of their having Bark Trade with the Americans.

My opinion could the State supply them with goods, nothing but peace would ensue.

The Great Warrior says, he hopes he will have the good news to tell in his Towns, that the Americans can supply his people with goods as well as Cameron. I held a conference with them the 29th of last month, where I was informed that Cameron had wrote them that Lord Howe was in Philadelphia with his army, and that the Americans must soon give up. But I hope that Little Carpenter, Willinawaugh, and Great Warrior will have better news to tell after their return, for they are appointed to wait on your Excellency, by the rest of the nation. For further particulars beg leave to refer your Excellency to the Delegates from Washington District.

I am Sir your most obedient humble servant,
JAMES ROBERTSON, Superintendent.

CHAS. MEDLOCK, THOS. WADE, JAM. AULD, HY. WM. HARRINGTON & WM. HUSKE TO GOV. CASWELL.

[From Executive Letter Book.]

ANSON, October 17th 1777.

SIR:—

We are sorry that we are necessitated to acquaint your Excellency that there are many disaffected persons in our County, some of them we have caused to be cited agreeable to the Act of Assembly in that case made and provided, and in consequence of the refused of James Chile, Jacob Williams, William Yaw, William Bennett and Samuel Flake, to take the oath prescribed by the said act and their refusing to give security for their departure to Europe and the West Indies in sixty days, the Court committed them to jail, and have also issued warrants to apprehend a number of other disaffected persons who have been cited for the same purpose, and neglected to appear at Court.—Our jail is much too small to contain those whom we are constrained to commit, and the District jail being still further from the seashore, makes it necessary for us to apply to your Excellency for your immediate instructions how to proceed.

We have the honor to be your Excellency's most humble Servts,

CHAS. MEDLOCK. THOS. WADE.

JAM. AULD. HY WM HARRINGTON.

WM HUSKE.

 WM. BUCHANAN TO GOV. CASWELL.

[From Executive Letter Book.]

YORK TOWN PENNSYLVANIA, 17th Oct. 1777.

SIR:—

Mr. Penn just now informed me of a quantity of Barreled Pork & Beef for the United States, under directions of your Excellency, which is an article so much wanted in the army, that I think regardless of expence or risk, the forwarding of it this way ought to be attempted without loss of time. I therefore beg your Excellency will employ a judicious person to push it on in this way, as may be judged most prudent, if through the inland navigation, let advice thereof be given to Col. William Aylett Esq. Depy. Commissary gen^l of Purchases, for the Southern Department at Williamsburg, to whom I have wrote on the subject. He will attend to the receiving and forwarding it up the Bay, & whose advice, should he be in time, I would wish to take place through the whole of the business. I have the Honor to be your Excellency's most obdt & very humble servt.

W. BUCHANAN
Gov. of Pa.

 JNO. HAMILTON TO GOV. CASWELL.

[From Executive Letter Book.]

NEW BERN, October 17th 1777.

SIR:—

I had the pleasure to receive yours, enclosing the Testimonials and Certificates, this morning. My brother and myself return your Excellency our sincere thanks for the favor granted, and flatter ourselves we shall be gone by the time limited by Law expires. By the Bearer have sent more Certificates, in order to procure your Excellencies Passport and beg you may despatch the Bearer as soon as convenient. Seeing some letter &c in the Post office, directed to your Excellency, have taken the liberty to send Bearer,

also one from Cape Fear. Wishing you every felicity, I remain with the utmost esteem

Your Excellency's most obdt Hum. Servt.,

JNO. HAMILTON.

B. Messrs Telfair Miller & Co. were taken by the Gen^l Howe letter of Marque and carried to New York the 14th August. No other news.

GEN. ALLEN JONES TO GOV. CASWELL.

[From Executive Letter Book.]

Oct. 18th, 1777.

SIR:—

Mr. Benjamin Clifton an Inhabitant of this State as I am well informed, has applied to me for a Certificate, as to Capt. Boon's being legally qualified, I can inform your Excellency that Thos. Boon is a Captain in the Northampton Regiment, commanded by Col. Wm. Eaton & qualified agreeable to the Laws of this State. The above Clifton has been a Schoolmaster in this State for several years last past. I am sorry to inform you that this is not the only instance of such behaviour of the Virginians draughting the Inhabitants of this State. I wish their Government was informed of it, as it really has a very bad tendency.

I am with the utmost respect and esteem

your most obdt hum^l Servt.,

ALLEN JONES.

C. HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

YORK, PENNSYLVANIA, OCT., 20th 1777.

DEAR SIR:—

I have the honor to enclose to your Excellency an account of the surrender of Gen. Burgoyne and his whole army on the 14th Instant, the particulars are not yet come to hand, but this account is so well authenticated, that Gen. Washington on receiving the intelligence ordered 13 Cannon to be fired, and the Bells in this Town rang for hours.

The two armies near Philadelphia were on Friday last within 7 miles of each other, and General action is expected daily. Should we be successful in this Quarter, we may pronounce I think with certainty America Free and Independent. Your Excellency will be pleased to excuse my not being more particular at this time. Congress are in high spirits. Enclosed is a copy of the accounts received. I am with great respect and regard, your Excellency's most Obedt.

Huml. Servt.

CORNEL HARNETT.

No Press here.

ANTHEY WARD TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, Oct. 20th, 1777.

SIR:—

I just received yours of the 29th September and observe the contents, I was informed by Captain St George when the Election was at New Topsail, for the appointment of the officers it was the opinion of many that Capt Killby had the most vote, and he himself told me so, in consequence of that I filled up his Commission as a Captain,—But in eight or ten days after Capt Campbell came to Wilmington & disputed the election, but after some little dispute, they both agreed to appoint a day for a new election, which was accordingly done in the field before the whole Regiment, and Capt Campbell got the most votes, by six or seven. The above is a true state of what happened the second Election, for I was present at the time. But however I have obeyed your Excellency's orders and have given orders for a new Election, as soon as I am acquainted who the officers are that are appointed, I will send you a return of their names. I shall be glad your Excellency will send some more Blank Comm's in to be filled up, as there were not enough for the officers that have been chosen, and there has been one more Company added to the Regiment since the first Comm'r came out.

I am your most obdt huml Servt.

ANTHEY WARD.

J. PENN & C. HARNETT TO GOV. CASWELL.

[From Executive Letter Book.]

PENNSYLVANIA YORK Oct. 20th 1777.

SIR:—

Gen^l Washington attacked Gen^l Howe's army the 4th Instant near German Town. The Enemy were surprised and gave way in every quarter, we drove them for three hours, and should undoubtedly have obtained a complete victory, had not two divisions of our Troops mistaken each other for enemies and retreated. Disorder soon took place and it was impossible to rally the men again. Gen^l Howe was so alarmed that it is confidently asserted he had given directions to retreat to Chester, had we not saved him the trouble.

This misfortune was owing to a great Fog; and no air to carry off the smoke, which prevented a man's seeing fifty yards. Our Soldiers behaved with great resolution (and some pushed Bayonettes) until the mistake happened.

General Nash was wounded by a cannon ball early in the engagement, and died two days after, his death is greatly to be lamented, he was highly esteemed by all that knew him. Cols. Buncomb and Irwin were taken prisoners. We have the pleasure to inform you that those of our Countrymen, that were engaged behaved well.

The Enemy's loss must have been very considerable as there were it is said, near 300 wagon loads of wounded carried to the Hospitals in Philadelphia. Gen^l Howe refused to suffer any of the Inhabitants to walk on the field, until the dead were taken care of. Gen^l Agnew was killed in the action. Gen^l Grant we are told died soon after. Kniphausen and Sir Wm. Erskine were wounded. the reports differ whether they are dead or not. Gen^l Washington has been very busy in preparing every necessary for another attack—which by letters from some of the officers in his army, we expect will be here every hour, and as the spirits of our Soldiers are great in consequence of their having discovered that they can make their enemies run, we hope for great things. Should Gen^l Howe meet with a defeat, he will be ruined, as we are still in possession of the river Delaware.

We congratulate your Excellency on the great and important success of the army under the command of Gen^l Gates. The account we had from Col Trumble several days ago differed a little from Gen^l Gates' letter, that with others from him, and Gen^l Burgoyne's we enclose for your amusement.

Yesterday we were informed by a letter from the Chairman of the Committee at Albany directed to a friend of his in New York, that Burgoyne and his whole army had surrendered themselves prisoners of war. It is generally believed here, indeed it is nothing more than what we expected, as that army had very little provision, and were few in number, compared to ours.

The Rev. M^r Drake has acted such a part as will ever disgrace him, in short he may be said to be the first of villains, we cannot help suspecting that the letter he wrote to our worthy Gen^l. must have been dictated by a Howe, the design of the letter was to prevail on the Gen^l to negotiate Terms for himself and army. You know Administration have tried bribery and corruption, nothing is too dirty or mean for the British Court, and those that are employed against us, however we trust that the day is not far off when we shall all be free & happy. The confusion the different Clerks have been in for some time, with regard to their books &c. has prevented our getting a copy of the amount of such sums of money as has been received by direction of our State, we will enclose it, as soon as we can possibly get it, to your Excellency.

Doctor Burke left us last week when he set out for North Carolina. We are with due respect, Sir, your obdt Servts.

J. PENN

CORN'L HARNETT.

P. S. M^r Drake remained in Philadelphia, and of course fell into the Enemy's hands.

25th. Burgoyne and his whole army are prisoners, I have seen Gov^r Clinton's letter this morning giving an account of the matter. Gen^l Howe has run away, and recrossed Schuylkill. Our army is in pursuit of the runaways. Our little fleet has kept the river against Lord Howe, and all he could do. The Roe-Buck and another large ship are rendered unfit for service. The day is ours.

JOHN PENN.

CAPT. COSMO MEDICI TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, Oct. 21st, 1777.

DEAR SIR:—

I arrived in Town last night from the Northward, and having some dispatches for you, take this opportunity of conveying them. Your Excellency will find the purport of the letter from the Continental Treasurer to be concerning the Loan office Certificates, which are in my possession. I should have done myself the Honor of waiting on you in person, but am much fatigued, as also my horses, that renders it absolutely necessary, to make a stop here a few days. Tho' should you Sir, think it necessary that the same should be in your hands, you'll please to let me know by the return of the Bearer.

I was in the battle at Brandywine. Our loss dont exceed 700 killed, wounded and taken prisoners. Capt. Caswell received a slight wound in the hand, but was getting well before I left him in the Camp, he had not time otherwise would have wrote to you, he requested me to inform you of his situation. We have lost Poor Gen^l Nash in the Battle—Col. Buncomb and Lieut. Col. Erwin, both taken prisoners at the same time,—Gen^l Nash before he fell was in possession of sixteen pieces of the Enemy's cannon. But by an unlucky mistake in a crowd of smoke, a party commanded by Gen^l Washington in person, and Gen^l Green's division meeting, both took each other for fresh Troops of the Enemy, retreated, which occasioned Gen^l Nash and his party to give way and in the retreat he fell. Our loss supposed to be between 600 and 700 mostly taken prisoners. I return to the Northward in a short time, but before I go, shall do myself the pleasure of waiting on you, and am happy of this opportunity of having the honor of subscribing myself,

your most obedient

COSMO MEDICI.

COL. A. SHEPPARD TO GOV. CASWELL.

[From Executive Letter Book.]

HALIFAX, Oct. 22^d, 1777.

DEAR GOVERNOR—

I send you enclosed a copy of a letter from Mr. Penn which will give you some information of the late Battle. It is reported here that Cols. Buncomb and Erwin are taken prisoners, and Gen^l Woodford killed. I could hear nothing about your son. It is thought that the brave General Washington will give them another blow shortly. I intended to march to-morrow from this place, but it is out of my power to march on, as there is not tents enough nor any shoes or breeches only about 100 pr of Linen Breeches not fit for winter, and about 150 Blankets wanting, and as the men have been promised every kind of clothing, I know not how to act, as I would. Our officers and men are spirited, would be willing to march anywhere if they were properly clothed for the winter, the Mr. Jones's are much disturbed that we dont march off naked. I wish they would take as much care in providing necessaries for soldiers as they do in their boasting way of talking, it would be better for this State. I shall be at your house on Saturday first of November.

I am Sir, your most obedient humble servant,

ABRA. SHEPPARD.

THOS. McKEAN TO GOV. CASWELL.

[From Executive Letter Book.]

DOVER, Oct. 23d, 1777.

SIR:—

From our former acquaintance as members of Congress, I beg leave to introduce Lieut.-Col. Forster of Newcastle County to you. He is a Gentleman well known to me, and a steady friend to the United States of America. The death of a brother who resided in the State of North Carolina, occasions his journey thither. Any civilities shown to the Colonel will confer a favor upon your Excellency's most

obdt Servt.,

THOS. McKEAN.

GOV. CASWELL TO GOV. HENRY.

[From Executive Letter Book.]

NORTH CAROLINA, 23^d Oct. 1777.

SIR:—

Application having been made me in the behalf of a certain Benjamin Clifton who is said to be drafted into the Continental service, in the State of Virginia, when in truth he is an inhabitant of this State, I beg leave to recommend his case to your Excellency's consideration. He produced to me a deposition of sundry Certificates by which it appears he has been some years an inhabitant of this State, that he hath been regularly enlisted as a taxable and Militia man, and that in consequence of a late Act of Assembly of this State, he, with another, has procured a man to enlist into the Continental Service thereby to exempt himself and the other person, from Military duty during the time the man has engaged to serve. I have furnished him with a Testimonial authenticating these papers, in order that he may lay them before you, when I have not a doubt but you will order his discharge from the Draft in the State under your Government. I can not refrain informing your Excellency that this is not the only instance in which Drafts have been made in Virginia of the Inhabitants of this State. I do it Sir, with no other view than to make you acquainted with the circumstance, which I assure myself, you are a Stranger to, and that on this Information the persons alluded to, will have justice done them.

I have the honor to be

with regard and esteem, Sir,

your most obed^t, Hum^{le} Servt.,

R. CASWELL.

GOV. CASWELL TO PRESIDENT RUTLEDGE, OF S. C.

[From Executive Letter Book.]

NEWBERN, 25th October 1777.

DEAR SIR:—

I received the enclosed intelligence by express, yesterday, and altho 'tis not the most favorable, 'tis such as we have; and which I forward to you, suggesting to myself, you wish to know what is

doing in the Army, and that you may not have so early accounts, from any other quarter,

I have the honor to be &c.

R. CASWELL.

Excellency Jno. Rutledge Esq. P. S^o. Carolina.

MAJOR HARDY MURFREE TO GOV. CASWELL.

[From Executive Letter Book.]

WINSTON, 25th Oct, 1777.

SIR:—

I take this opportunity to acquaint you that Capt. Tarrant is the Commanding officer of the second North Carolina Battalion in this State, and have ordered him to make a return to your Excellency the 10th of every month, the success of the recruiting officers of the said Battalion.

I have ordered Capt. Benjamin Williams to the Northward with me, and shall set off in two days from this.

I am your Excellency's mo Huml Servt.,

HARDY MURFREE.

N. B. I have recruited since my last return 6 men.

H. M.

THOS. WADE TO GOV. CASWELL.

[From Executive Letter Book.]

ANSON, 29th Oct. 1777.

SIR:—

Enclosed I send your Excellency the Bond of John Smith, who complied with your directions, and at Lowry when I wrote you I indulged him to stay at home, till the Express sent you, returned. Ever since which time he has remained so ill, that he has not been able to come to this place, to give Bail and take the oath, now should he be able, I shall send him down during the sitting of the Session. I propose being down during the sitting of the Assembly if health permits.

I am Sir your most huml Servt,

THOS WADE.

N. B. The answer to the Court's letter, your Excellency will direct to the Chairman, as I am now sitting off a journey.

I. JONES TO GOV. CASWELL.

[FROM EXECUTIVE LETTER BOOK.]

30th October 1777.

DEAR SIR:—

Attacks were made the 22nd inst. on Forts Mifflin and Redbank, in both of which the enemy were repulsed. A Battery on Province Island and two upon the bank opposite to Fort Mifflin, thrown up to reclaim the great Marsh below Province Island, were opened upon the Fort and were supported by six ships warped through the Chevaux de frise at Billingsfort. Our Gallies and armed vessels in the River assisted the Fort, and in conjunction, they kept up so effectual a cannonade upon the ships, as to disable a 64 Gun ship and sloop of war, a small Frigate, and the enemy set them on fire before they quitted. One of the four, that retired, was the Roe-buck greatly damaged. Baron Donop with 1200 men attacked Red bank, and after a short cannonade, marched up with fixed bayonets in two columns. They passed the avetti, entered the ditch, some passed the picket, but were so warmly received, they fell back and fled, leaving Donop, his Brigade Maj., a Capt. Lient. and upwards of seventy men wounded and prisoners—one Lieut.-Colonel, three Capts, four Lieutenants, and nearly seventy killed, near three hundred muskets and a considerable quantity of cartridge boxes &c, taken. We lost one Captain, three Serg'ts, one fife, four privates killed. One Ensign, five Serg'ts, twenty three privates, wounded. The loss in our vessels and Fort Mifflin very inconsiderable.

Yours

I. JONES.

No letters from Gates confirming the surrender of Burgoyne and his Army.

HENRY LAURENS TO GOV. CASWELL.

[From Executive Letter Book.]

YORKTOWN PENNSYLVANIA, 1st Nov. 1777.

SIR:—

The arms of the United States of America having been blessed in the present Campaign with remarkable success, Congress have resolved, to recommend, that one day, Thursday the 18th December next be set apart to be observed by all the Inhabitants throughout

these States for a general thanksgiving to Almighty God. And I have it in command to transmit to you the enclosed extract from the minutes of Congress for that purpose.

Your Excellency will be pleased to take the necessary measures for carrying the Resolve into effect in the State in which you preside.

You will likewise find enclosed a certified Copy of minutes which will shew your Excellency the authority under which I have the honor of addressing you;

I am with great regard Sir,

your Excellency's most obdt hum^t Servt.,

HENRY LAURENS.

His Excellency Gov. Caswell, N. C.

In Congress Nov. 1st, 1777.

Congress proceeded to the election of a President and the ballots being taken.

Mr. Henry Laurens was elected.

Extracts from the minutes.

CHAS. THOMPSON Secy.

J. PENN & C. HARNETT TO GOV. CASWELL.

[From Executive Letter Book]

YORK TOWN, Nov. 2^d, 1777.

SIR:—

By an express who was going to Williamsburg last week, we informed you of the report that General Burgoyne and his whole army had surrendered themselves prisoners of War to General Gates. Yesterday Col. Wilkinson arrived here which enables us to enclose you a copy of the articles of Convention, which circumstance we hope will followed by others of equal importance soon.

General Clinton with 4 or 5000, from the City of York had got possession of Fort Montgomery, and had passed so far up the North River as to burn the little Town of Kingston. They were within a few miles of Albany. Gen. Burgoyne had twelve days provisions, and in strong ground well fortified, in such a situation, the above was a most fortunate event for us.

Gen. Gates is exerting himself against the rest of the British Soldiers in that Quarter. Our Troops are in high spirits having

been successful in every engagement since the evacuation of Ticonderoga.

We have received no account from General Washington since our last to you, which we expect will be delivered to you before this, as we wrote to George Wythe Esq. in Williamsburg requesting that he would immediately send off our letter by express, and that your Excellency would take care to have expense paid.

Enclosed is a Resolve of Congress appointing the eighteenth day of December for a General thanksgiving throughout the United States. In our last we sent a copy of all the money that has been paid for the use of North Carolina, also several other resolves relating to the recruiting business.

We shall take care to give you the earliest account of whatever changes may happen in our affairs. We have no newspapers to enclose for want of a Press being established in this Town, however we expect one soon.

We are with due respect, sir
your ob^{dt} Servts.

J. PENN.

CORN'L HARNETT.

We hope to get over the confederation in a fortnight, we shall transmit a Copy to your Excellency as soon as that event happens, without loss of time.

J. PENN.

C. HARNETT.

VOL. 100, Pg. 152.

A Weekly Return of the Continental Army in Pennsylvania under the command of his Excellency General Washington.

| November 3, 1777. | OFFICERS PRESENT. | | | | | | | | | | | | | | Rank and File. | Alterations since last Return. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | Commiss'n'd | | | | Staff. | | | | Non-Com'd. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| BRIGADES. | Colonels. | | | | Lt. Colonels. | | | | Majors. | | | | Captains. | | | | Lieutenants. | | | | Ensigns. | | | | Chaplains. | | | | Adjutants. | | | | Pay Masters. | | | | Quarter Masters. | | | | Surgeons. | | | | Mates. | | | | Serjeants. | | | | Drummers and Fifers. | | | | Present fit for duty. | | | | Sick Present. | | | | Sick Absent. | | | | On Command. | | | | On Furlough. | | | | Total. | | | | Dead. | | | | Discharged. | | | | Deserted. | | | | Joined. | | | | Serjeants. | | | | Drum'ms and Fifers. | | | | Privates. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | * North Carolina. | 4 | 3 | 2 | 25 | 39 | 20 | 2 | 6 | 6 | 9 | 7 | 1 | 101 | 63 | 514 | 59 | 168 | 110 | 3 | 854 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

TIM PICKERING, A. G.

DR. THOS. BURKE TO GOV. CASWELL.

[From Executive Letter Book]

TYAQUIN, Nov. 4th, 1777.

DR. SIR:—

I left York Town in Pennsylvania on the 1st ulto. and arrived at home on the 26th after our retreat from Philadelphia. I remained at Burlington a week in daily expectation of an action at the British Army's crossing the Schuylkill, in this expectation I was disappointed, the Enemy crossed and marched to Philadelphia without opposition. I have not yet heard or been able to suggest a reason, which gives me sufficient satisfaction for that event. Our Army was on their Flank, and why they crossed without our attack remains yet to be explained sufficiently to me. After the Enemy had got possession of the City I set out and found myself obliged to direct my route by Eastown, Bethlehem, Reading and Lancaster, to York which constituted a very difficult journey.

While I was at Reading, happened the Battle of Chestnut Hill, and Germantown, wherein we unfortunately lost General Nash, one of the best, the most respected & regretted officers in the Continental Army. The particulars of this Battle Mr. Harnett informed me he wrote you before my arrival at York and I will not trouble you with a repetition. Upon the whole it appears that our miscarriage sprung from the same source, want of abilities in our Superior officers, and want of order and discipline, in our army. This, Sir, is an Evil of the most dangerous tendency, & to remedy it has long been the object of my thoughts and endeavours. Indeed I saw very little prospect of success till very lately, but just before I left Congress I had the pleasure to find that every Gentleman was equally sensible of the necessity of applying a proper remedy, the great difficulty will be to get over particular connections, and personal regards, but it must be effectually remedied or all our efforts are in vain.

The miscarriages in Pennsylvania have made it necessary it seems, to order the Troops which defended the passes of the High Lands on the Hudson's River to be withdrawn to reinforce General Washington, General Clinton taking advantage of this has attacked and carried off fort Montgomery, burned our Frigates in that river, and opened the communication between York and Albany, except some little ineffectual bits that remain. The army under Genl Gates, as well as that under Genl Washington were situated so

near the Enemy that little seemed to be done but to attack them. A Battle of considerable importance was every day expected to be fought by each army, and our force was so much superior to that of the Enemy that we have every reason to hope for signal success, indeed nothing can prevent it, but some of those unfortunate blunders which have lately been so frequent in our army. Upon the whole, Sir, I am in daily expectation of an account of signal victories gained over both armies of our Enemies, but I dare not promise, it, having been of late so cruelly disappointed of my most sanguine and well founded expectations.

Very little of any consequence has been lately determined in Congress. The Confederation was the subject of daily consideration when I came away, but as I consider the plan now in embryo, as what can never be suited to the States, I think nothing decided on it, is of consequence. I fear I differ very widely on this subject with a majority in Congress. I deem a time of peace and tranquillity, the proper time for agitating so important a concern, but some and not a few, are of opinion that advantage should be taken of the present circumstances of the States which are supposed favorable for pressing them, to a very close connexion, but more Sir of this when we meet—My long absence from home has much deranged my rustic affairs, and they require much of my own particular attention to restore them. This makes it exceedingly inconvenient to me to go to Newbern immediately. I will therefore beg to be excused for a week or two, but if my presence is required there I will set off immediately on your signifying your Commands, an opportunity for which will immediately offer by the messenger who will bring up a writ for an election of Commoner for this County to fill an occasional vacancy which has happened. I saw Capt. Caswell at Brandywine on the field of Battle. I saw him next day at Chester, and since I have enquired for him, and heard he was well.

I have the honor to be Dr Sir, yr mo obdt serv.,

THOS. BURKE.

PRESIDENT HENRY LAURENS TO GOV. CASWELL.

[From Executive Letter Book.]

YORK TOWN 5th November, 1777.

SIR:—

I had the honor of writing to your Excellency the 1st Instant:

by the hand of Jacob Epps, who in his way to South Carolina, is to leave a packet directed to you at Halifax.

Congress having taken under their consideration the merits of many of the brave officers in the armies of the United States were pleased to distinguish the name of the late Brigadier General Nash who fell by a mortal wound, received in the battle of German Town and to vote the sum of five hundred Dollars for erecting a Monument to his memory. I am directed to transmit the enclosed certified Resolve of the 4th Instant, and to request your Excellency to give the necessary orders for accomplishing in the most effectual manner the views of Congress upon this occasion.

I have the honor to be Sir,

your Excellency's most obd^t servant,

HENRY LAURENS,
President in Congress.

THE MEMORIAL OF THE OFFICERS OF THE 10TH N. C. REGIMENT.

[From Executive Letter Book.]

To his Excellency Richard Caswell Esq^r Governor, Captain, General, and Commander in chief, in and over the State of North Carolina.

The Memorial of the Lieut. Colonel, Major and other Officers, of the 10th Regiment of North Carolina Forces Sheweth. That your Memorialists were appointed officers, and received Commissions from Colonel Abraham Sheppard, commanding the said Regiment; which Regiment, your Memorialists, well knew was to be raised in the space of something less than three months, viz. from the 19th of April to the 1st of July following: actuated by a love of Liberty, Freedom, and the United States; and a regard for the Honor, Character and Respect of this State in particular your Memo^ts were induced to enter into the service: not from any lucrative views, as they are well known to be in general proprietors of fortunes sufficient to enable them to live in credit and affluence at Home, and being persons of some influence in their respective Counties, did jointly raise the number of men, stipulated by act of Assembly to be raised by the said Cols. Abraham Sheppard and More, as has fully appeared by return made to your Excellency and Council.

Your Memo^t's under the sanction of public faith, promised the

men enlisted by them, the different clothing ordered Continental Soldiers by Resolve of Congress, which they were to receive at Kingston, the place of Rendez-vous—at the junction of different Companies at said place, they only had, delivered them part viz: Coats, Shoes, Frocks, and Blankets, and of those not a sufficient number. The Commissary of Stores, there promised, that they should be furnished with the remainder at Halifax; thither the Regiment cheerfully marched, crossed the River Roanoke, and encamped about two miles from the said Town. It waited eight days for the Commissary of Stores, who at his arrival could not make up the deficiency of the men's clothing and they got but a few of the articles before recited, with one hundred and eleven pair of summer breeches. Not one hat or pair of stockings has the Regiment received, hardly half their Tents, or kettles, and there are now many of the men exposed to the inclemency of the weather, without Blankets or Tents or shoes.

Your Memo's would therefore represent to your Excellency, that they are now exposed to the censure of their Soldiers for breach of promise: The Regiment is now at twelve miles distance from Halifax on their way to the Northward, they are well acquainted with the Spirit and love of Liberty of their men, they know they are willing to be lead by them to any part provided they could fulfill their promises, which it is humbly presumed were nothing more than the Authority of the Legislature must justify. They would, to conclude, request, that their men may be duly served with their proper necessaries; and they will wait for and duly execute the orders issued to them with the greatest alacrity. On the contrary it is with submission represented the bad consequences that may arise from their not being duly served; and the little esteem an officer, and such a Gentleman must be held in, when he is liable to be reproached (and with justice) by his men for breach of promise.

| | |
|--------------------------|------------------------|
| CALEB KEAN 1st Lieut. | PETER DAUGE L. Col. |
| LEWIS CANNON 1st Lieut. | JOHN SHEPPARD Major |
| TIMOTHY JONES 2nd Lieut. | ABRAHAM SHEPPARD Capt. |
| REUBEN ROUNTREE | JAMES WILSON Capt. |
| 2nd Lieut. | ANDREW VANNOY Capt. |
| WM. SHEPPARD 1st Lieut. | SILAS STEVENSON Capt. |
| ISAAC HARDEE 2nd Lieut. | ISAAC MOORE Capt. |
| THOMAS SHUTE Ensign. | DEMSY GREGORY Capt. |
| GEORGE COOK. 1st Lieut. | JOHN JONES Capt. |
| MATHEW M'CAULEY " | |
| JOHN LOW 2nd Lieut. | HENRY CANNON 2d Lieut. |

THE MEMORIAL OF THE OFFICERS OF THE ARTILLERY COMPANY.

[From Executive Letter Book.]

To his Excellency Richard Caswell Esq. Governor, Captain General, and Commender in Chief, in and over the State of North Carolina.

The Memorial of the Officers of the Artillery Co: of the said State.

SHEWETH, That your Memorialists are under the necessity of representing to your Excellency the ill state of the Clothing of said Company, and humbly request the same may be amended.

The Artillery Company has been now raised almost one year and a half, during which time Memo'ts have not received for said Co: but eight Blankets; neither have they received their complement of shoes, and many of them are barefooted.

Your Memo'ts Men have not received new clothes yet from a love of the service, and being willing to defend the liberty of America as far as in them lies, they are willing to put up with any inconveniency, but at the same time, would with submission hint the bad condition they are in to promote it, when their men, are in such a bad manner provided for. Your Memo'ts would not choose to enumerate their Grievances in this way which are really many, but leave the rectifying of them to your Excellency's wisdom.

JOHN DAUGE Capt:

JOHN KINGSBERRY Capt. L.

PHILLIP JONES 2^d Lieut:

JAMES WALL, 3^d Lieut:

JOHN CURLOW VANCE, Lieut:

LEWIS HICKS TO GOV. CASWELL.

[From Executive Letter Book.]

TOPSAIL, Nov 7th, 1777.

WORTHY SIR:—

Your Excellency will please to accept my Commission as a Resignation, as I find it not consistent with my constitution, hope

you will think the best of me you possibly can, as I am apprehensive I could not go through the Small Pox with safety, so late in the year, and my income not equal to the expense. I think it most prudent not to risk my life, as my body is very delicate of late by a series of Colds, one on the back of another, since I saw your Excellency, by which I am not equal to the task sometimes. Acknowledge my hearty thanks for your friendly preferment, am sorry cannot answer your good expectation, therefore must beg you'll excuse your Obedient, relinquishing a Commission in so laudable a cause,

and am with esteem your humble servt.

LEWIS HICKS.

CAPT. JAMES EMMET TO GOV. CASWELL.

[From Executive Letter Book.]

CROSSCREEK, 8th, Nov. 1777.

SIR:—

I am to inform your Excellency, that owing to my indisposition I was ordered home, as well for the recovery of my health, as to execute the orders given to me by my Col. (Sumner) the heads of which, I am instructed to transmit to you. I could also wish to inform your Excellency, that it will be impossible for any single man, to take Deserters, and being in no ways authorised to command assistance, I fear, I shall not be able to execute that part of my orders; indeed I had a troublesome, as well as an expensive experience of it this time last year, but shall do my utmost to comply with any order I may receive from your Excellency.

I am with due deference, Sir, your obedient Servant,

JAMES EMMET,

Capt. 3^d Battⁿ.

Heads of Col. Sumner's Orders:

To enquire how the recruiting officers, detached from Halifax last April, go on, & what success they have had. To direct recruiting parties with their recruits. To march for Head Quarters immediately and join their Battalion. Rout by way of Petersburg, Fredericksburg, Alexandria &c. To procure money from the Treasurer for their march. To draw money for recruiting and do my utmost in that service, and take up all deserters. To give

recruiting instructions to such officers, who are not able to join their Battalion, and to send forward those who are. To inform his Excellency the Governor of any return from Camp, and heads of these Instructions, and request his further orders. To write to Col: Sumner, the success, & consult his every opportunity.

CHAS. BONDFIELD TO GOV. CASWELL.

[From Executive Letter Book.]

EDENTON, 8th Nov 1777.

SIR:—

On receiving your Excellency's Commission appointing me Commissioner for fitting out armed vessels at the Fort of Edenton, I drew on William Skinner Esq. Treasurer for the Northern District, for the sum of One thousand Pounds, which Mr. Robert Smith told me, I was by a resolve of the Assembly empowered to do, as I had not at that time seen the resolve, and Mr. Smith told me had, I took it for granted that I was acting right. Mr. Skinner advanced the money on my order, since which it appears that I should have had a warrant from your Excellency on the Treasurer for what money I should want for that purpose, as there was at that time several demands against the King Taminy and more daily accruing, and I not being furnished with the resolve of the Assembly to know in what manner to act, will I hope excuse me for not applying to your Excellency for a warrant sooner, which you will be so good as to give to Mr. Skinner who has my receipt for the money. I have chartered the Brig King Taminy to Messrs. Hewes and Smith on account of the Congress, a copy of the Charter party, and on account of the disbursements, I shall furnish your Excellency with by Mr. Hewes when he goes for Newbern.

I am your Excellency's most obdt. Servt.

CHAS. BONDFIELD.

PETER & DANIEL MALLETT TO GOV. CASWELL.

[From Executive Letter Book.]

CROSS CREEK, Nov: 10th 1777.

SIR:—

We mean to wait on the Committee of accounts, during the

present sitting of the Assembly, in order to settle our accounts with the State, but we are under the necessity of waiting for some vouchers from Head Quarters before our accounts can be balanced, which may detain us until the latter end of the Session. In the mean time, we thought it our duty to acquaint your Excellency that no Commissary of this State appeared at Camp to pay up rations due to the officers, of every Regiment from the first to the ninth, and great complaints were daily made till at last Gen^l Nash, together with advice of the Commissary Gen^l, and concurrence ordered us to pay up the officers of those Regiments from the 25th of April until the first day of August. The first of these dates was the time our Troops left this State—we were at the same time furnished with money for that purpose, now there remains in our hands upwards of four hundred pounds, which has either been paid by the different Commissaries, or still remains due to officers who have not called for payment, tho' we judge the former is the case, as the Commissaries, may not be acquainted with our orders, their accounts might be handed in the usual method charging officers rations Regimentally. But as we have already paid the greatest part, and hold ourselves in readiness to complete our orders, we shall expect to pay either the Commissaries for such receipts as they produce or the State. Should these receipts be allowed in their accounts, we don't mean to interfere with them or their accounts, during the time the Troops were in this State. Neither have we any claim for officers rations in those Regiments, until the 25th April before mentioned. It may be also necessary to acquaint your Excellency, that we had made a settlement with the Continental Congress, and that we there accounted for all the money; and other transactions after we left this State which related to the public.

We are your Excellency's most obdt. Humble Servants,
PETER & DANIEL MALLETT.

N. B. Dr. Burke can inform your Excellency every particular relative to our accounts at Congress.

VOL. 100, Pg. 153.

A General Return of the Continental Army, under the immediate command of his Excellency General Washington, encamped at White Marsh, November 10, 1777.

| REGIMENTS. | | OFFICERS PRESENT. | | | | | | | | | | | | Rank and File. | | | | Alterations since last Return. | | | | | | | | | | | |
|----------------|-------|-------------------|---------------|---------|-----------|--------------|----------|------------|------------|--------------|-----------------|-----------|--------|----------------|----------------------|------------------------|----------------|--------------------------------|-------------|--------------|--------|-------|-------------|-----------|---------|------------|----------------------|-----------|--|
| | | Commiss'n'd. | | | | Staff. | | | | Non-Com'd. | | | | | | | | | | | | | | | | | | | |
| | | Colonels. | Lt. Colonels. | Majors. | Captains. | Lieutenants. | Ensigns. | Chaplains. | Adjutants. | Pay-Masters. | Quartermasters. | Surgeons. | Mates. | Serjeants. | Drummers and Fifers. | Present, fit for duty. | Sick, Present. | Sick, Absent. | On Command. | On Furlough. | Total. | Dead. | Discharged. | Deserted. | Joined. | Serjeants. | Drummers and Fifers. | Privates. | |
| N. C. Brigade. | * 1st | 1 | | | | | | | | | | | 7 | 12 | 52 | 3 | | | | | | | | | | | | | |
| | * 2nd | 1 | | | | | | | | | | | 9 | 104 | 66 | 6 | | | | | | | | | | | | | |
| | * 3rd | 1 | | | | | | | | | | | 9 | 45 | 9 | 13 | | | | | | | | | | | | | |
| | * 4th | 1 | | | | | | | | | | | 17 | 66 | 6 | 25 | | | | | | | | | | | | | |
| | * 5th | | | | | | | | | | | | 11 | 110 | 12 | 5 | | | | | | | | | | | | | |
| | * 6th | | | | | | | | | | | | 19 | 11 | 10 | 36 | | | | | | | | | | | | | |
| | * 7th | 1 | | | | | | | | | | | 7 | 50 | 5 | 13 | | | | | | | | | | | | | |
| | * 8th | | | | | | | | | | | | 6 | 17 | 7 | 8 | | | | | | | | | | | | | |
| | * 9th | | | | | | | | | | | | 5 | 1 | 16 | 9 | | | | | | | | | | | | | |
| * Total..... | | 4 | 3 | 4 | 22 | 42 | 23 | 3 | 5 | 6 | 9 | 7 | 93 | 65 | 520 | 52 | 175 | * 115 | 6 | 808 | 12 | 5 | | | | | | 4 | |

TIM. PICKERING, Adj. Genl.

JOHN VANCE TO GOV. CASWELL.

[From Executive Letter Book.]

CAMP ARTHERS CREEK, November 12th, 1777.

I have an opportunity by Capt. Williams to write your Excellency a few lines in haste, with the Regulation of the Artillery pay of my officers and Soldiers, which I went to Williamsburg Virginia for, and have enclosed the same to your Excellency. Humbly requesting you to order the paymaster to pay up the arrears as I expect to march my Company when Col: Sheppard returns to Camp. Mr. Blount called at Camp as he came from Head Quarters, and said he had not got the Regulations of the Artillery pay, but he was willing to pay up arrears from the date of our first appointment, which was May 9th, 1776.

I am your Obedient humble servant,

JOHN VANCE.

CORNELIUS HARNETT TO DR. BURKE.

[From Executive Letter Book.]

YORK, Pennsylvania Nov. 13th 1777.

DEAR SIR :—

The child, Congress, has been big with, these two years past, is at last brought forth—(Confederation)—I fear it will by several Legislatures be thought a little deformed,—you will think it a Monster. I wish, however some kind of Confederation would take place. Some carry their idea of this matter so far, as to believe our affairs must be ruined without it. Be this as it may, it will in a few days be sent to the Legislatures of the several States. Nothing more has been done worth your notice. Our time has been chiefly employed in army matters and God knows we have had perplexity enough.

Gen. Washington's head quarters are at White Marsh a few miles from German Town and the Picketts of each army are very near together. We are informed of a large reinforcement detached from Gen. Gates' army on their way to join the main army, and every body hopes a good account will still be given of Sir William. You left us dissatisfied, but when you hear that we still have the command of the River,—Burgoyne's whole army surrendered,—the noble defence made at Redbank, Fort Mifflin, &c., you will I hope entertain an opinion that our armies must conquer, whenever they appear, notwithstanding, the few checks, perhaps necessary ones, they have lately met with.

We have an account of thirty Transports sailing from New York, supposed to be bringing a reinforcement of troops to Gen. Howe. They are not as yet arrived in the Delaware.

I think as soon as our main army receives the reinforcements expected, I should expect to hear of a vigorous attack upon the enemy, but I am no General.

At the battle of Germantown, I am informed, Col. Martin has again been so unfortunate as to meet with censure. He has been tried by a Court Martial and acquitted as I hear. Since the death of our worthy and brave Nash, I have received a letter from Col. Sumner showing the necessity of having a Brigadier appointed. What can your Delegates do in this case. For God's sake, endeavour to get our assembly to nominate the gentleman they would choose. I am told by several officers that should Col. Mar-

tin be appointed, many resignations would take place, as several of the Colonels &c, are much dissatisfied with his conduct.

Col. Sumner is I believe next in rank; a worthy man. Our Brigade will as soon as Col. Shephard is at camp, be a very respectable one, consisting of two thousand, rank and file. I hope to see some one or more of my countrymen at the head of them and hope they may be esteemed in camp and out of it, as our worthy deceased friend was.

The sooner one or more Gen. Officers are appointed, the better. Indeed we have a right to the appointment of Major General for our State should it be thought neccessary.

Pray let me have your opinion freely and dispassionately on the articles of confederation.

The mode of settling the Quota of each State towards defraying the general expense, has taken up much time. Some States were for the valuation of all the property in each State. Others, for fixing it by the number of Inhabitants.—Others on the valuation of land. This last seemed to come as near the mark as any, except a valuation of all property. However the Value of lands has taken place much against the desire of the Delegates from the Eastern States.

As I expect you will be directed to return immediately after the using of our assembly, I hope you will take care to be properly instructed in every measure they may wish to accomplish.

You ought to be here. No State should have a less number of Delegates than three present in Congress and I hope our State will attend constantly to that rule.

I have a great inclination to return home, and wish in future to be excused from this kind of service.

Between you and I, we shall be ruined in it, and I wish to make way for some Gent. who values his honor in this way more than I do.

I have not time to say one word more, than to desire that you will make my compliments to all my friends in Assembly.

I wrote to Mr. Hooper and Maclain a few days ago, and shall write to them again very soon. No post or press as yet established here, and when I meet with an opportunity of writing to my friends,

I am obliged to do it, in such a hurry, that I hardly know what I write.

Believe me to be with unfeigned esteem, Dear Sir,
Your affec. and obe't Serv't

CORN'S HARNETT.

P. S. Our very worthy friend Mrs. Trist is well at Lancaster. I have just now received a line from her. I forwarded a letter from her to you about a fortnight ago, which I hope you have received.

CAPT. NICHOLAS EDMUNDS TO GOV. CASWELL.

[From Executive Letter Book.]

NO. CARO. NORTHAMPTON COUNTY, Nov. 14th 1777.

DEAR SIR:—

I take this opportunity to send you a return of recruits, recruited by the officers of the 3^d Battalion which I have neglected doing for this month past. I should have sent you a return before now, but I had not an opportunity of doing it, and was not able to come myself as I have been very unwell for this month past, and I hope you will not take it amiss. I would be glad if it were convenient that you would let my father Howell Edmunds have another warrant, upon the Treasury for the sum of five hundred dollars more for me, as my other five hundred is out, and I was obliged to advance money out of my own pocket to pay off the Recruits.

NICHOLAS EDMUNDS.

GOV. CASWELL TO A. MACLAINE CHAIRMAN AND THE GENTLEMEN OF THE COMMITTEE OF INQUIRY, &C.

[From Executive Letter Book.]

MR. CHAIRMAN & GENTⁿ OF THE COMMITTEE OF INQUIRY &C.

Your Message of yesterday I received so late in the evening, that I could not conveniently get the papers you required copied. I now send you a copy of the recruiting instructions and marching orders issued to Col. Sheppard, and also copies of some other papers, with my own observations which may shew the reasons why that Regiment was not ordered to march sooner.

Observations respecting Col: Sheppard's Battalion.

1. By Resolve of the General Assembly 300 men were to be raised before 1st July (See Copy Resolve No. 1).

2. The "Council by agreement of the members was appointed to meet at Kingston, the place of Rendezvous for the said Regiment, the 8th, July, to receive Colonel Sheppard's Report,—a sufficient number to constitute a Board did not meet—the 5th of August was then appointed, when the Board met, and resolved Col. Sheppard had complied with the Resolution of Assembly"—(see Copy Resolve No. 4) and in consequence of a Resolve of Congress of the 17th June (see Copy No. 5) that Regiment to be considered as Continental.

3. The 8th August a detachment advised by the Council to be sent to remove the Magazine from Wilmington (see Copy Resolve No. 6) they were ordered accordingly, and in a few days marched 100 men, with 3 wagons and 4 carts, who brought off only part of the stores (see Mr. Brice's letter 21st August No. 7) which they delivered at Kingston 28th or 29th August, previous to which I had come to Newbern, where the Council was summoned to meet the 1st Sept. But before this on observing the tardiness of the Officers in repairing to Head Quarters; I wrote to Col. Sheppard on the subject—(see Copy letter 22^d August No. 8).

4. The Council sat at Newbern, 2^d September and before their breaking up, the 4th they proposed advising me to order this Regiment to march. But as I did not know the detachment sent to Wilmington was returned or that Col: Dange with three Companies from the District of Edenton and some others were arrived at the places of Rendezvous, and apprehending myself vested with competent powers, to order the Continental Troops—whilst in this State, I declined taking the opinion or advice of the Council, and returned to Dobb's with a design of ordering the Regiment to march as soon as I found it practicable, but on the 7th I received by express from Congress, a Resolve directing the removal of the Military and Naval Stores from Wilmington, (see Copy of that Resolve No. 9.) the 8th I ordered a detachment from this Battalion to bring up the remainder of the Military stores, being induced thereto from the seeming earnestness of the Congress, to have the same done immediately, and knowing if I waited 'till this could be effected by the Militia, it would be attended with that delay that might be a means of injury to the public—and considering that

some of Col. Sheppard's officers had not yet arrived with their recruits, (see copy extract of my letter to Genl. Ashe No. 10.) Col. Dauge marched accordingly with their detachments, received the Military Stores and returned to Kingston the 23^d Sept. from whence the Regiment with the artillery company marched the 25th and I flattered myself they would have proceeded on their march agreeable to order, as the Commissary of Stores had assured me, every thing in his power which they were entitled to, should be furnished them on their way at Halifax—but on the 15th October I received Col. Sheppard's letter of the 14th (No. 11) to which I refer you. I saw him two or three days after, advised him to return to his Regiment and by all means endeavour to proceed on his march, about the time this assembly was to meet, received the Memorial of his officers which I took the earliest opportunity of laying before the Council, who thought proper to recommend the consideration thereof to the General Assembly.

Thus Mr. Chairman and Gentlemen of the Committee I have given you all the information in my power relating to the delay Col. Sheppard necessarily met with on his march. This I thought incumbent on me in my present station.

RICHARD CASWELL.

Newbern 19th Nov. 1777.

TO HON. THOS. BURKE FROM CORN. HARNETT.

[From Executive Letter Book.]

YORK, Pennsylvania Nov. 20th 1777.

Our affairs, at Head quarters, seem to remain much the same as they were when you left us. The River has been as well defended as could possibly be expected, but our brave Col. Smith was a few days ago obliged to leave Fort Mifflin in ruins to the enemy. Bob Morris still thinks the enemy's ships will not be able to get to Philadelphia this Winter.—others are very doubtful. For my part I anxiously look for the time of the river being frozen over—this seldom happens before Christmas. We can not find whether the reinforcement from New York is yet arrived, but Gen. Howe hourly expects it, some say three some five thousand.

Gen. Washington's strong reinforcement from Gen. Gates' army will be at Head Quarters tomorrow— If you was here, you would

think a general attack should be made on the City immediately. Others imagine that Gen. Howe may in the course of the Winter, be starved out, but I think we have no right to expect two British Armies, in one year, to surrender. In my next, however, I will, if I can, send good news.

The expectation of the people is great, they believe as soon as Gates' victorious troops arrive at Head Quarters, Gen. Howe's Army will be ruined. I am also of this opinion.

Col. Martin has been tried by a Court Martial or Court of enquiry, I don't know which, on his behavior at German Town, and acquitted. Our Brigade, the high officers of it, are exceedingly anxious to have a general Officer appointed. I wish it were done. You know the Delegates determined to take the Opinion of the General Assembly.

I wish this could be speedily done. You know better than I do, how our Colonels stand as to rank, Martin, Sumner, Polk, I believe. As far as I can find from the Officers, I have conversed with, they wish for Sumner and Clarke. This might cause several resignations. We have too many Officers for the number of men. You know Congress catch at resignations with great eagerness.

A new Board of War is appointed, Gen. Mifflin, Mr. Hamilton and another gentleman,—I think the Adjutant General of the Army. Gen. Mifflin, resigns his office of Quarter Master General, but holds his rank of Major General without pay.

Your favorite Confederation is at last finished. It only waits to be printed and sent on by the President to the Legislatures of the several States for their approbation, with a pressing letter from Congress on that subject, which you will soon see. Our finances are in such a situation, that unless the States agree immediately, to tax as high as the people can possibly bear, the credit of our money must be ruined. Another very large emission must take place, there is no preventing it. The Treasury Boards see the fatal consequence of this measure, but they also perceive that when we have no money, we shall have no Army. The Loan Offices are already drained to their utmost farthing. The prospect before us is truly distressing, we must however continue further emissions. I tremble at the consequences.

A defeat of Gen. Howe's Army, I think must be attempted: should we succeed, we shall be on our legs again. I wish the

whole force of America could be collected and effect this grand purpose.

Our worthy and agreeable friend, Mrs. Trist, is well. I shall soon send my carriages for her and Mrs. Ross. They intend to visit Mrs. Ross' relation in this Town. For God's sake get the General Assembly to recommend General Officers for our Brigade, as soon as Col. Shephard joins them, they will consist of at least two thousand rank and file. They are exceedingly uneasy. They are at present commanded by the brave Mac Dougal, yet they imagine that they appear contemptible in the eyes of the Army, not having one General Officer from our State. They insist that they have, according to the proportions of men, a right to a Major General and two Brigadiers.

I am Dear Sir,

Your most affec. and obed't Serv't

CORN. HARNETT.

P. S. For God's sake endeavour to get some Gentlemen appointed in my stead. I can not stay here any longer with any pleasure.

GOV. CASWELL TO THE HON. WM. GRAY ESQ. WM. HAYWOOD,
JOSEPH LEECH, EDWARD STARKEY, THOMAS EATON,
WM. TAYLOR, THOMAS BONNER ESQRS.

[From Executive Letter Book.]

NEW BERN, 20th Nov^r 1777.

SIR:—

Matters of importance to the State require your attendance in Council at Newbern, on Thursday the 27th Instant, you will please be punctual in attending on that day.

I am Sirs, your obedient servant,

R. CASWELL.

CAFT. JOSEPH WALKER TO GOV. CASWELL.

[From Executive Letter Book.]

CAMPDEN COUNTY, Nov. 20th, 1777.

DE SIR:—

I embrace this opportunity by Col. Burges to inform your Excellency the success I had in recruiting since I received your orders.

Recruited myself 9 men, by Lieut. Daley, 4 men, Ensign Grandy 4 men.

Ensigns Carstaphen & Hair, neither of them met at the place of Rendez-vous on the first day of this Instant, according to orders, which makes me not able to find your Excellency a proper return of the Regt: as the warrant I had on the Treasurer was for only one hundred pounds, it is recruited out, and I have some of my own, that I shall make use of, till I can get more of the public money. I should be glad if your Excellency could send me by Col. Burges, a warrant, or a bill which I think I can fill. The reason I did not wait on your Excellency is it bids fairer now to get men, than it has done for this some time past, & might lose more by coming, and the orders Mr. Daley brought me did not mention any particular time to make a return, and it is very expensive. There are several old recruits now in this quarter. Deserters coming in and Ensign Davis Grandy has not yet been furnished with any money from the public to recruit Men with, he has advanced his own to four men, would be glad to be furnished when I am, bnt neither of us will lose a man, for want of money. If we have none of our own, we have some good friends to the cause, that will lend rather than lose a Soldier. I should esteem it a favor if your Excellency will let me know by Col. Burges when I must make a return to your Excellency. I am with the greatest respect very humble servant.

JOSEPH WALKER Capt. 7th Regt:

CAPT. MANLOVE TARRANT TO GOV. CASWELL.

[From Executive Letter Book.]

CAMPDEN COUNTY, Nov 20th 1777.

I embrace this opportunity by Col: Burges to inform your Excellency, that I received a letter some days ago from Major Hardy Murfree, informing me that he and Capt. Williams, had obtained leave from your Excellency to march to the Northward, and had left me in command of the said Regiment. Now in this state, I should have waited on your Excellency, in person, but my business lies so with my recruits, that I could not come, without injuring the Regiment at this time, I should be glad to receive orders from

your Excellency, by Col: Burges how I am to proceed: and I am with the the greatest respect yours to serve.

MANLOVE TARRANT, Capt.

PRESIDENT HENRY LAURENS TO GOV. CASWELL.

[From Executive Letter Book.]

YORK TOWN, Pennsylvania 25th Nov 1777.

SIR :—

The last address which I had the honor of presenting to your Excellency, and which remains with the former unanswered was dated the 5th Instant.

My present duty is to convey a Resolve of Congress of this date, in which your Excellency is requested and enabled to perform an essential service to the United States, by appointing proper persons for purchasing, and others for manufacturing in the State in which you preside, certain articles of Leather for the use of the army.

Congress have been encouraged to give your Excellency this trouble by the Delegates from North Carolina, and have only in view the general interests of these States. Nothing therefore is needful for me to add but a reference to the Resolve. Just as I was about concluding, certain advice came to our hand of an English Frigate of 28 Guns & two Transport Ships, going out from Rhode Island, having run aground near point Judah, that one Boat load of men attempting to get on shore were overset and drowned, the rest, Ships and Men taken. Our people expressed hopes of getting all the Ships afloat again and in good order. This account which I write in haste is crude, but the general fact may be regarded as true.

I have the honor to be with very great respect Sir, your Excellency's Mo. Obdt. Servt.

HENRY LAURENS

Prest. Cong.

COL. I. WHITE TO GOV. CASWELL.

[From Executive Letter Book.]

WILMINGTON, Nov. 30th, 1777.

SIR :—

I take the liberty to address your Excellency and to inform you

of the distress that one of the Continental Regiments (which I have the Honor to command) labours under the men in general barefoot, and some of them entirely naked. We are obliged for want of money to put up with such provisions as we can scrape together upon credit, as Mr. Turner absolutely refused to furnish us with the least article, 'till I pledged my honor to see him paid for the same, before the Regiment marched from this place. The Continental Horses are perishing for want of Forage, there being no Quarter Master or Deputy (in that Department) stationed here to supply us. I brought five thousand Dollars with me from York Town, which I judged sufficient, for extra expenses. In marching the Battalion to Georgia, as I was informed by the board of war there were Magasines of stores, established in the different States, for the supply of the Continental Troops, who might march through them. I indeed met with every assistance in Maryland, and Virginia, 'till I drew near to the borders of this State, since which I have been obliged to purchase almost every necessary we stood in need of, at an immense expense, which has entirely expended, all the public money I had in my hands, with almost a thousand dollars of my own—and two hundred & fifty Major Walker was so polite as to lend me—'till I could get supplied.

I must therefore in the name of the United States at large, and the State of Georgia in particular, most humbly request that your Excellency will furnish me, (or take such measures as to have me furnished) with five thousand Continental Dollars—in order to expedite my march to the State of Georgia, the which I pledge my honor and the faith of Georgia, shall be repaid with the utmost dispatch, either by our Delegates in Congress, (on whom I have herewith sent Bills for that purpose) or by the State. I would not trouble your Excellency were we not in the utmost distress, and both officers and soldiers murmuring. It hurts me to the soul to punish offenders for mutiny, when I know their complaints are just, and have it not in my power to redress them. But am obliged to conform, and put Court Martials into execution to keep order in the Regiment, according to the rules and Discipline of War. Should I be so unsuccessful as not to obtain a supply of money from this State, I know of no alternative, (as we can get nothing here without money) but that of letting each man shift for himself, for before we could be supplied from Georgia, most of

the men would certainly perish. Between thirty and forty, are now languishing under diseases, occasioned for want of the common necessaries of life, the sick obliged to make use of rusty salt pork, as at times we can get nothing else for them.

For further particulars, I refer your Excellency to the bearer Major Eustace of my Battalion, who likewise has my letter of credit from the State of Georgia, which he is instructed if necessary to lay before you, with other vouchers.

I hope your Excellency will take our distressed situation into serious consideration, and comply with furnishing me the amount of my request, Five Thousand Dollars.

I am with the utmost respect your Excellency's most obedt.
Humble servt.

I. WHITE Col: 4th Ga. Battⁿ

SAML. DAILY TO GOV. CASWELL.

[From Executive Letter Book.]

MAY IT PLEASE YOUR EXCELLENCY.

We Thos. Daily and Saml. Daily, hath given Bond and security to depart the State according to Law of this State of North Carolina, doth beg the favor of your Excellency to grant two different passports, one for the Brig Nancy, Thos. Daily Master, The other for the Brig Young Henry, Saml Daily Master.

I remain your Excellency's most obl'd. huml. servt.

SAML DAILY Master.

GEN. JOHN BUTLER TO GOV. R. CASWELL.

[From Executive Letter Book.]

NEWBURN, Dec. 1st, 1777.

SIR:—

With this you will receive a general return of the Regiments of Militia for the District of Hillsborough. I am sorry to say that it is not as perfect as I could wish as I have not yet received any return from Granville County, though I sent express, for that purpose agreeably to your orders of the 15th July last. You will observe some other imperfections in the return, owing no doubt to the officers not having the Militia Law before them. The next return I have the honor to make you, I hope will be better finished. I am your most obedient servant.

JOHN BUTLER B. G.

JAMES BLOUNT TO GOV. CASWELL.

[From Executive Letter Book.]EDENTON, December 3^d 1777.

SIR:—

I've received your letter by express bearing date November the twentieth 1777. The contents of which shall, as far as is in my power, be complied with, I've a guard now of twenty eight, my orders to the Captains are for thirty, but between twenty and thirty appear, if your Excellency should think such a guard insufficient I shall be glad of further orders. (The Town Company is ordered to appear on an alarm, so that they are excused only on exigencies) without anything should happen more than we know of, perhaps the guard and Company before mentioned may be sufficient. A Dutchman from Maryland, has raised the price of salt, within a few days to fourteen dollars, which enrages the Country people in this place. There was a Deserter from the fourth Regiment sent here by Mr. George Little from Hertford County, which he wrote was by your Excellency's orders—the letter was directed to Gen^l. Skinner or me—therefore shall be glad to know what to do with him and any others that may come. Gen^l Skinner will shew your Excellency Mr. Little's letter. From Sir,

your most respectful hum^l servant,

JAMES BLOUNT.

JAMES MEASE TO GOV. CASWELL.

[From Executive Letter Book.]LANCASTER, Dec. 3^d 1777.

SIR:—

I am directed by the Honorable Continental Congress to fix Agents in the several States in the Clothing Branch, where such appointments have not already taken place. For this purpose I take the liberty of requesting your Excellency to nominate a fit person to tra't business, as conveniently situated as may be, which I am encouraged to do by the advice of the Honorable John Penn Esq. who is at this time here. The business of an Agent in this Department is to receive all the goods, imported into the State, on pub-

lie account, suitable for clothing the soldiers, and to forward such parts as are not immediately wanted for the use of such Continental Troops as belong to or are acting in the State to such places as they may be directed to by the Clothier Genl. or towards the main army addressing them in each State to the care of the Clothing Agent there, so as either to forward or apply them as may be directed. He is also to purchase from time to time, all materials either private importations or the manufactories of the State, as are suitable for clothing the Army which are to be made up as fast as may be into suitable garments for the Troops, of the State, the overplus to be forwarded as before mentioned, a commission of $2\frac{1}{2}$ per cent is allowed on the amount of all such purchases, and clothing finished, and delivered, and 'tis expected every thing be done on the most frugal terms, and the principals without contracting by the great for them. I shall shortly send more particular directions, as some regulations are in agitation respecting the clothing department. In the mean time, I beg leave to inform your Excellency that the main army is in the greatest distress for clothing of almost every kind, and therefore entreat your Excellency will particularly direct the agent, you shall think proper to appoint, to forward towards this place, without loss of time, by the utmost expeditious conveyances, all such public stores, belonging to the clothing department as are in your State. We have just received very agreeable reports of very considerable supplies, being arrived in both the Carolinas comforting ourselves with the idea of relief from thence. Indeed our ports in the middle States are so narrowly guarded and are so few in number, that almost all our supplies must come now from the northern and Southern States.

I have the honor to be with very great respect and esteem

Your Excellency's most obedient humble servant,

JAMES MEASE,

C^lr Genl.

VOL. 100, Pg. 156.

A General Return of the Army under the Command of his Excellency General Washington. At White Marsh, in the State of Pennsylvania, Dec. 3d, 1777.

| BRIGADES. | OFFICERS PRESENT. | | | | | | | | | | | | Rank and File. | | Alterations since last Re- turn of Octr 23. | | | | | | | | | | | |
|----------------|-------------------|---------------|---------|-----------|--------------|----------|------------|------------|--------------|-----------------|-----------|--------|----------------|------------------|---|-----------------------|---------------|--------------|-------------|--------------|--------|-------|-------------|-----------|------------|-----------------|
| | Commiss'n'd. | | | | | | Staff. | | | Non- com'd. | | | | | | | | | | | | | | | | |
| | Colonels. | Lt. Colonels. | Majors. | Captains. | Lieutenants. | Ensigns. | Chaplains. | Adjutants. | Pay Masters. | Quartr Masters. | Surgeons. | Mates. | Serjeants. | Drum's & Fifers. | | Present fit for duty. | Sick present. | Sick Absent. | On command. | On furlough. | Total. | Deat. | Discharged. | Deserted. | Serjeants. | Drum's & fifer. | Privates. |
| North Carolina | 5 | 4 | 33 | 67 | 18 | 3 | 8 | 9 | 6 | 1 | 117 | 80 | 655 | 58 | 200 | 120 | 1033 | | | | | | | | | |

TIM. PICKERING, A. Gen'l. .

SAML. CORNELL AND JOHN LONDON TO GOV. CASWELL.

[From Executive Letter Book.]

ON BOARD THE BRIGⁿ EDWARDS, 4th Dec. 1777.

SIR:—

We beg leave to acquaint your Excellency with our arrival, in this port, from New York, in the Brigantine Edwards, in consequence of a Flag of Truce, obtained from Lieut. General Sir Henry Clinton, and Commodore Holtrane, in order to settle our private affairs in this State, and we wait your Excellency's permission to come on shore.

We have the honor to be, with greatest respect, Sir,

Your Excellency's most obdt huml servts.

SAMUEL CORNELL,
JOHN LONDON.

[FROM EXECUTIVE LETTER BOOK.]

STATE OF NORTH CAROLINA,

His Excellency Richard Caswell, Esq. Governor, Captain General,
and Commander in chief of the said State, To Lieut Col.-John
Luttrel commanding officer of the Continental Troops within
this State.

You are hereby required to order a Court of Inquiry to be held
by the Continental officers, under your command at the Town of
New Bern as speedily as possible, to take into consideration the
petitions of sundry persons who are or were soldiers in the Conti-
nental Army raised in this State, who suggest that they have
served out the time for which they enlisted and from whom dis-
charges are withheld—herein fail not.

Given under my hand and seal at arms at New Bern the day
of Anno Domini 1777, and in the 2^d year of the Independ-
ence of the said State.

GOV. CASWELL TO SAML. CORNELL OR JOHN LONDON ON BOARD
THE BRIGANTINE EDWARDS.

[From Executive Letter Book.]

NEW BERN, 5th December, 1777.

GENTLEMEN,

Your letter of yesterday I received but previous to my granting
you permission to come on shore, 'tis necessary that you bring a
flag from his Britanick Majesty's officers, by you mentioned to me.
To be ascertained to that end, I send Major John Fillman to
whom you will give proper information,

I am Gentlemen, your mo. ob. servt.,

RICHARD CASWELL.

GOV. CASWELL TO CORNELL & LONDON.

[From Executive Letter Book.]

GENTLEMEN,

You are to be conducted by the Guard to the place of your land-
ing, from whence you are to go on board the Edwards. You are

permitted to come on shore this afternoon, in order to give Mr. Cornell an opportunity of making an Inventory of the several articles of his house Furniture, the names of his family and also the names of his servants, which he also propose conveying with him. Mr. London may avail himself of this permission to come on Shore—but neither he or Mr. Cornell to proceed further, into the Town, than Mr. Cornell's dwelling House. Mr. Cornell's Inventory to be laid before me in Council, Friday morning next at ten O'clock, for which purpose an officer will attend Mr. Cornell to receive the same.

GOV. CASWELL TO THOS. CRAIKE ESQR. COMR. STORES.

[From Executive Letter Book.]

NEW BERN 6th December, 1777.

SIR:—

Herewith you will receive a Copy of a Resolve of the General Assembly respecting Co^l: John White's Battalion. You will be pleased to furnish the clothing as therein directed.

I am &c.

RICHARD CASWELL.

R. CASWELL TO COL: J. WHITE 4TH GEORGIA BATT'N.

[From Executive Letter Book.]

NEW BERN 6th December 1777.

SIR:—

Your letter by Major Eustace I received and laid the same with the other papers—by you referred to the General Assembly, who came to the Resolution of which I enclose you a Copy which I hope will answer your purpose.

I am &c.

RICHARD CASWELL.

GOV. CASWELL TO HENRY TOOMER COM. PROVISIONS.

[From Executive Letter Book.]NEW BERN, 6th December, 1777.

SIR:—

Enclosed I send you a Copy of the Resolution of the General Assembly relating to Col. John White's Battalion so far as comes under your department, you are requested to attend to and perform accordingly.

I am &c.

RICHARD CASWELL.

HON. THOMAS BURKE FROM CORN. HARNETT.

[From Executive Letter Book.]YORK, PENNSILVANIA Dec. 8th 1777.

DEAR SIR:—

I have not received one line from you since I had the pleasure of seeing you here. As much as I do dislike letter writing, this is the fourth of mine, in one of which I enclosed one from Mrs. Trist. She is now at Lancaster, and "begs" (in her letter to me of the 2nd) "to know what has become of our friend Burke." She and Mrs. Ross were to have come to this town on a visit to Mrs. Swoops, and my carriage was to have been sent for them, but the capricious vixens have put it off for another day. Mrs. Trist desires that when I write to you, that I will "tender you her best services." Inclosed is a hand bill printed by order of Congress the particulars of which you have perhaps seen.

As to our Army, it is still near Philadelphia, and we hourly expect very interesting news, as Gen. Howe with his whole force, on the 6th Instant, was in sight of our lines and a general action hourly expected. The flower and force of the contending parties are now ready to engage.

The enemy have drawn a strong reinforcement from New York, and Gen. Washington a much stronger from Gen Gates' victorious Army. I fear however we shall suffer ourselves to be attacked, instead of attacking. This conduct I believe has often proved disadvantageous. A Committee of Congress now at Head Quarters, informs us, that our soldiers are exceedingly anxious to come to a

general engagement, and are in high spirits. Who knows but this Battle may put a glorious end to the Land War in America?

The Virginians in Assembly, have set a glorious example to the Southern States and indeed to every State in the Union, by not only ordering a reinforcement of 5.000 Militia to join Gen. Washington immediately, but also to fill up their Continental Battalions with great dispatch. The recruiting Service ought to be attended to in our State in case of accidents; as nothing is to be expected from Pennsylvania. Should our Army be defeated, our utmost exertions will be requisite.

The several resolutions of Congress sent to the Governors of the States will require particular attention. That of taxation, is essential above all. The credit of our Continental Currency depends upon it. The opening the Courts of Law, for the recovery of Debts, surely ought to be attended to. The calling in your paper Currency; especially that issued under the Authority of the British Government (as a distinction is made by the Tories and sordid Whigs already of at least 100 per cent. which in its consequences must ruin our public Credit) ought to command the attention of our Legislature.

Col. Martin has been tried and acquitted and has since resigned. Mr. Penn and myself have desired the Governor to apply to the General Assembly to recommed some one or more of our Colonels as Brigadiers. Our troops are uneasy, at not having a General Officer of our State to command them.

You know we have a right to more than one General Officer, should the Assembly think it expedient. I wish you and the rest of my friends would push this matter. Our Officers are exceedingly anxious about it. Col. Sumner writes to me that it is absolutely necessary.

We are daily entertained by Members of Congress, with paragraphs of Letters, giving an account of the surprising exertions of their Constituents.

I beg that you will inform me what has been done by our General Assembly in this way. We have often been before them, I hope we shall never be behind them.

Be pleased to tell Mr. Hooper and Mr. McLaine I shall write to them by next opportunity and hope to have it in my power to inform them of Gen. Howe's defeat.

I wish to hear from you and beg you will be very particular in regard to what is going forward in a Political way.

I am with real esteem, Dear Sir

Your most obed't and Hum. Serv't

CORN. HARNETT.

HON. THOMAS BURKE ESQR. FROM CORN. HARNETT.

[From Executive Letter Book.]

YORK, Pennsylvania Dec. 16 1777.

DEAR SIR :—

This day I received your favor of the 6th of last month, and am glad to hear of your safe return to your family, and have also the pleasing expectation of seeing you again in Congress.

I wish it was in my power, to give you such intelligence, as I know you wish for. Our Army remained almost inactive at White Marsh, since the affair at Germantown, until the 6th instant, when the Enemy marched with almost their whole force in the night and appeared towards noon in the sight of our Army, took post on Chestnut Hill and other strong holds in that neighborhood.

A general battle was daily expected, but neither of the Generals seemed inclined to quit their advantageous posts. In the mean time some small skirmishing ensued. Our Militia with Gen. Irwin at their head, attacked one of the Enemies advanced parties, and a small firing followed which lasted about fifteen minutes.

They then retired to our main body, with the loss of ten or twelve men killed and wounded. Among the latter was Gen. Irwin who was taken prisoner, being advanced too far before his men. The Enemy's loss not known. The Enemy, for several days, kept up a show of attacking our lines, but on the 10th filed off in three columns and returned to their Redoubts. Col. Morgan with his riflemen had a very smart action with a party of the Enemy, in which he lost more men than he has lost in the whole campaign, twenty six in number. The Enemy must have suffered exceedingly from the fire of these excellent marksmen. Gen. Washington was informed by some deserters that their loss in killed and wounded was five hundred, but this account he thinks, exaggerated. I fear it was. Gen. Howe's intention in this manoeuver was to have attacked our Army expecting to find them

off their guard, but in this he was disappointed and then by keeping up a show in front with his Light Troops, he marched off his Artillery and heavy armed troops toward the City: soon after those in front filed off to the right and left and by a precipitate march, outgeneraled us as usual.

A large body of our Light Infantry were ordered to pursue, but could not come up with them until they had got within the Lines: thus ended this affair. They have since sent a large body over the Schuylkill to forrage. The Militia under Gen. Potter were surprised, but maintained a smart action with them for a short time, took several of them prisoners, but lost an equal number, at least, of his men taken by the Enemy. This Account comes not from authority, but is believed. We have as yet no newspaper published in this town, otherwise I should send you some of them. Since the Confederation has been finished, several recommendations to the Legislatures of the States have been sent by Expresses, I need not mention them, they will speak for themselves.

I beg you will inform me of the temper you find our Assembly in. Are they inclined to pursue spirited measures? For God's sake fill up your Battalions, Lay Taxes, put a stop to the sordid and avaricious Spirit which infected all ranks and conditions of men. Regulate the prices of all commodities, at least such as are immediately useful to our Army. The United States will not much longer be able to procure them at the very exorbitant prices they are now sold at.

We have already received an Account from Connecticut, that their State is much dissatisfied with the mode in the Confederation of fixing the quota of each State, by the value of land—Number of Inhabitants, including Slaves, is their favorite plan.

A valuation of all property, throughout the Continent, was allowed to be the most equitable mode for fixing the quota, but this was said to be impracticable.

All our foreign intelligence indicates, that Europe will soon be in a flame. Let us not depend upon this. If we have Virtue, we certainly have power, to work out our own salvation, I hope without fear or trembling.

I wish I could inform you of a victory obtained over Howe; I fancy we must wait until stern Winter builds a bridge over the Schuylkill. Small parties of our Army however have been suc-

cessful in taking several of the Enemy prisoners. Ninety five arrived in this town the night before the last and three officers of low rank, they go on to Virginia to-morrow.

As to the prospect you wish for, of accommodating Mrs. Burke here, I beg you will not think of it, be assured it is impossible. You will hardly be able to get a bed to sleep in. I should be very sorry to see my country woman in distress, which be assured must be the case, if you bring her here. No my friend, let her remain at your own peaceful mansion, in expectation of better times. Be assured that my expenses, since I arrived in this town, a very little more than two months, have been upwards of \$200 Currency, and I never lived in so wretched a manner in my life. I shall be under the necessity of procuring in advance from the Treasury at least 1,000 dollars over and above my allowance from the State, which is very handsome.

I shall be content if this will bring me home with a single dollar in my pocket. Mention not this; if you do I am sure you will not be believed, but it is as true as the Gospel. God only knows what this Country will come to at last.

Mrs. Trist is well at Lancaster. I have had great pleasure in corresponding with her, she is a sweet sensible creature. I shall forward your letter to-morrow. I wish you health, happiness and a good session. ●

With unfeigned esteem

I am Dear Sir.

Your Affec. and obed't Serv't.

CORN. HARNETT.

P. S. I am so harassed by attending Congress, the Treasury Board, the Commercial Committee &c, that I can hardly find time to write to my friends—tell Major Hooper and Maclain I shall write to them by the next Post. It is now eleven o'clock at night. I have not time to copy or correct.

JAS. GREEN, JR., TO GOV. CASWELL.

[From Executive Letter Book.]

SIR:—

I have considered the offer your Excellency was kind enough to communicate to me respecting the purchasing sundry articles for

the Soldiery, and find by a letter from Captain Bartleson now at Baltimore that Deer Skins are selling there from 12 shillings 6 pence to 15 shillings in the hair according to their quality. Sole leather here, about 5 shillings, upper ditto I can not ascertain a price, but from all appearances and the great call for those articles they will rise.

The purchase of those articles, in the manner they must be bought and from a great variety of sellers must be attended with much trouble, and the necessary riding about to engage and collect them together will be expensive. I therefore submit it to your Excellency whether 15 per cent will be thought too unreasonable to the purchasers as a Compensation, for their Commissions, trouble and expense, in performing this business. Will it not be thought justifiable, to give the purchasers a latitude, in case those articles should take a rise, of which I am apprehensive they will, whilst they can by any means be conveyed up the bay.

Say Deer Skins not to exceed 10s

Sole leather 7s

Upper ditto in proportion.

Notwithstanding they may be engaged to the best advantage.

I am your Excellency's obdt. Servt.

JAS. GREEN JUNR.

Newbern, 17th Dec. 1777.

GOV. CASWELL TO SAML. CORNELL & JOHN LONDON ESQRS.

[From Executive Letter Book.]

NEW BERN, 20th Dec. 1777.

GENTLEMEN,

You are permitted to return to the State of New York in the Brigantine Edwards with Mr. Cornell and family, Mrs. Edwards and her Daughters. Mr. Cornell has leave to take with him the servants and articles mentioned in his Inventory of the 18th Instant. Mr. London is permitted to take with him his two servants.

The Brigantine Edwards is to break ground in ten days from yesterday, and proceed to sea, so soon as the winds will permit, an officer will be directed to attend to see that no other articles (see Stores excepted) are put on Board, the said Brigantine.

I am Gentⁿ your mo. ob. servt.

R. CASWELL.

GOV. CASWELL TO HIS EXCELLENCY GENL. WASHINGTON.

[From Executive Letter Book.]

NORTH CAROLINA, NEW BERN, 21st Dec. 1777.

SIR:—

The bearer Mr. Charles Forbes was not long since an Ensign in the British Service, had taken some disgust on account of the treatment he received from some of the officers, and thereupon left the service, went to Bermuda, and from thence came into this State, with a design of entering into the service of the United States of America. By the advice of the Council of State, he hath been permitted to take an Oath of Fidelity to this State. I have also given him permission to pass to your Camp, and this is merely to introduce Mr. Forbes to your Excellency. He is an entire stranger. I know nothing more of him than what is above. Please to excuse the freedom I have now taken and believe me to be with the greatest regard and esteem—

Sir, your Excellency's mo. ob. servt.

RICHARD CASWELL.

WM. BORDEN TO GOV. CASWELL.

[From Executive Letter Book.]

December 18th, 1777.

RESPECTED FRIEND AND GOVERNOR CASWELL,

After humble respects to thee I seem desirous that there might be a thorough proof made on the salt works, as the public might know how far to depend upon them when occasion which may be sooner than we expect which looks likely enough to me to happen so and for want of a proof of this kind thereby made, the Continent may suffer much, and is now suffering, and by a means of this proof being made the business might become practicable and familiar, whereby large quantities of salt might be made, perhaps enough to supply the whole Continent, which I think might be done by sundry works in many places, which would surely be the case if once practicable. Now this salt being made on our own lands, and as it were at home, what a great safeguard this must be I think worth our while to make a full proof of the matter, now I leave the Governor and all the Assembly to judge whether this

business of so great importance, should be so lightly looked over, even next to life, itself—I think not by no means, now if the Governor and house of Assembly, should have a mind to carry these works on, I will undertake for you for 200 per year, and do the best I can for you, which I am desirous to do for reasons before mentioned. To conclude your assured friend,

WM. BORDEN.

VOL. 100, Pg. 169.

Field Return of Continental Army 23d December 1777.

| BRIGADES. | Serjeants. | Drums & Fifes | Privates fit for duty. | Do. unfit for want of cloaths. | On guard and on detach-ment. |
|--|------------|---------------|------------------------|--------------------------------|------------------------------|
| * | * | | * | | * |
| * | * | | * | | * |
| McIntosh (North Carolina—late Nash's.) | 98 | 66 | 484 | 164 | 119 |
| * | * | | * | | * |

SAMUEL CORNELL TO GOV. CASWELL.

[From Executive Letter Book.]

D^r SIR:—

I am much obliged to you for the Indulgence you have given me of a few days more, but I expect to sail on Sunday next agreeable to the first orders.

I am also very thankful for the papers you enclosed. The eleven Barrels of Indigo of Mrs. Edwards, was put on board yesterday, as soon as you was pleased to give permission. It will be attended with inconvenience to unstow it and take in tent, yet if the Governor cannot with propriety let it go—as it is on board—it shall at all events be immediately landed. I have sent my servant for an answer to this port,

and am with great respect D^r Sir,
your mo. obd^t. hum^l servt.

SAMUEL CORNELL.

Dec^{br} 26th 1777.

PRESIDENT HENRY LAURENS TO GOV. CASWELL.

[From Executive Letter Book.]YORK TOWN 26th Dec., 1777.

SIR,

My last was dated 3^d Instant, hitherto I am without any of your Excellency's favors. Enclosed with this your Excellency will receive an address from Congress dated 23^d Instant together with an Act of Resolves of the 20th directed to the General Assembly of North Carolina, which your Excellency is requested to lay before the Honorable House, as soon as possible.

I have the Honor to be, Sir, your Excellency's most
obedient servant,

HENRY LAURENS,
President of Congress.

TO THE GEN ASSEMBLY FROM HON. THOS. BURKE

[From Executive Letter Book.]

I consider the Congress at present as a General Council of America instituted for the purpose of opposing the usurpations of Britain, conducting the war against her, and forming foreign alliances as necessary thereto. Incident to this must be the General direction of the Army and Navy, because they are the instruments of the war.

Also for the providing the necessary funds for the disbursements, because without them neither Army or Navy can subsist.

Also the making Treaties with Foreign Powers, to be binding on all the States alike and equally to affect them, because this is the essence of foreign alliance.

This Idea of the Powers, use and authority of Congress, excludes all coercive Interpositions within the States respectively, except with respect to the Army and Navy because the States are competent to every exertion of power within themselves. Also the appointment of ways and means for supplying the Contingents of men, money or other things otherwise than by recommendation which always implies a power in the State to reject.

Also the power of imprisoning or otherwise punishing any Citizen, because that is not necessary for the end of their Institution, and every individual is to be tried and punished only by those Laws to which he consents. The Congress for this reason can

give no authority to any man or set of men to arrest or punish a Citizen, nor can it Lawfully be done but by the authority of the particular States.

Also all pretence for continuance of a Congress after the war is concluded, or of assuming a power to any other purposes—than that are above expressed. The Congress now determines by a majority which need not be more than five, and of which seven is always conclusive if the last mentioned exclusion be not right, the Congress might engage the States in confederacies, injurious to all but the continued majority 'Tis my opinion that every State has a right to control the Cantonment of Soldiers within their Territories, but as all the Governments, are not yet settled, it might be inconvenient to say any thing of it, and it is not necessary. Whenever a State finds occasion to exercise this right, I think none will be hardy enough to dispute it. But I believe it will be necessary for every established State to provide a mode whereby the Civil authority can interpose to prevent Courts Martial from exceeding their Jurisdiction.

'Tis true a Soldier expressly consents to be bound by the articles of war, and to submit to the martial Jurisdiction, but in all trials, the first question is the Identity which must raise in this case the enquiry Soldier or Citizen? If the Court Martial can determine this question, it is in their power to call any Citizen a Soldier, and to subject him to Military Law. This evidently points out the necessity of the check of the civil authority. This Confederation is a subject of the highest importance, but not having yet passed the House, except when in Committee, it seems it must not be laid before the Assemblies. I shall deem it my duty to examine every article of it with the most critical scrutiny, and submit my thoughts to the Assembly, and receive their Instructions. But I am told by the President that it will violate my obligation of Secrecy to do this before it has passed the House.

If the Assembly agree with me in the foregoing Ideas, of the Power, use and authority of Congress. I beg leave to recommend that they instruct their Delegates not to depart from them, nor to consent to any act or resolve which shall tend to exempt the Courts Martial from the control of the civil power in the States.

I am not desirous of these Instructions in order to restrain the Delegates. I believe none of them even without Instructions

would vote contrary to those Ideas, but as all questions are carried by a Majority in Congaess, the state may perhaps be bound, tho' her Delegates should dissent, especially where the Instructions are so general and Powers so indefinite as ours. I wish the state therefore to instruct, and by some public act to disclaim being bound by any resolves contrary to her Instructions. Without some thing of this kind, according to the present Constitution of Congress it may be impossible for the Delegates to preserve the Independence of the State, from Encroachments for by that constitution they are not allowed to protest or enter their Dissent.

These thoughts are humbly submitted to the Honorable the General Assembly of North Carolina by their most respectful humble Serv't

THOS. BURKE.

VOL. 100, Pg. 171.

A General Return of the Continental Army encamped at the Valley Forge in Pennsylvania, under the immediate command of his Excellency George Washington, Esq^r.

Dec^r.31, 1777.

| REGIMENTS. | OFFICERS PRESENT. | | | | | | | | | | | | | | Rank and File. | Alterations since last Returns of Dec'r 1, 1777. | | | | | | | | | | | | | | |
|----------------------|-------------------|---------------|---------|-----------|--------------|----------|------------|------------|--------------|---------------|-----------|--------|------------|----------------|-----------------------|--|--------------|-------------|--------------|---------------------------------------|--------|-------|-------------|-----------|----------------------------------|------------|------------------|----------------|-----------|--|
| | Commiss'n'd | | | | | | Staff. | | | Non-Com'd. | | | | | | | | | | | | | | | | | | | | |
| | Colonels. | Lt. Colonels. | Majors. | Captains. | Lieutenants. | Ensigns. | Chaplains. | Adjutants. | Pay Masters. | Q'r. Masters. | Surgeons. | Mates. | Serjeants. | Drums & Fifer. | | | | | | | | | | | | | | | | |
| The 9 N. C. Reg's | 4 | 7 | 5 | 30 | 65 | 12 | 3 | 7 | 3 | 9 | 6 | 1 | 95 | 82 | 572 | 71 | 285 | 137 | 11 | | 1079 | | 4 | 1 | 4 | 2 | 1 | 2 | | |
| | | | | | | | | | | | | | | | Present fit for duty. | Sick present. | Sick absent. | On command. | On furlough. | Unfit for duty wanting shoes, etc. | Total. | Dead. | Discharged. | Deserted. | Sent to ye corps of Invalids. | Serjeants. | Drums and Fifes. | Rank and File. | Inlisted. | |

* * * * * Some brigades have distinguished the men unfit for duty from ye want of cloaths, from the sick present; others include them with the sick present, and some have returned all those fit for duty who are well, altho' barefooted. * * * * *

TIM. PICKERING, Adj^t. Gen'l.

[MOULTRIE'S MEMOIRS OF THE AMERICAN REVOLUTION VOL. 1. PAGES
188 & 189]

Jan. 9th, 1777.

The detached situation of Fort Moultrie, Haddrell's Point, this town, and Fort Johnson, from each other making it necessary that the command of the troops be divided; Gen. Howe will command in town and Fort Johnson; Gen. Gadsden at Fort Moultrie and Sullivans Island; and Gen. Moultrie to command the North Carolinians, at Haddrell's point.

Gen. Moore returned to North Carolina, and left the command of the troops of that State, to Gen. Nash.

An express arrived with orders for the North Carolina troops to march to the northward.

[B. P. R. O. (No. 3) AM: & W. IND: VOI: 434. P. 96.]

Lord George Germain to Gov. Josiah Martin.

Whitehall, 14th Jan^{ry}. 1777.

SIR:—

Your letter to me of 28th of Sep^r and that of 8th November by Capt: Gardiner have been received and laid before the King.

In the present circumstances of the Province of North Carolina it is wholly unnecessary to make any Observations on the several Matters contained in these Dispatches and as there is no prospect of the Re-establishment of legal Government there until a sufficient Force can be spared from the Operations in the Northern Colonies. I have at your Brother's desire submitted to His Majesty the convenience it might be to you were it in your option to continue at Long Island or return to England and I have the satisfaction to acquaint you that His Majesty is graciously pleased to grant you His Royal Licence to come to England and I have the honour to enclose His Majesty's Sign Manual for that purpose.

I am &c:

GEO. GERMAIN.

[JOURNAL OF CONGRESS, VOL. II P. 30.]

Tuesday, February 4, 1777.

Mr. Burke, a delegate from North Carolina, attended and produced the credentials of his appointment, which were read as follows:

North Carolina, In Congress

December 20, 1776.

“Resolved, That William Hooper, Joseph Hewes, and Thomas Burke, esqrs, be and they are hereby appointed delegates to attend the Congress of the United States of America, in behalf of this state, until such time as the general assembly shall direct otherwise; and they are invested with such powers as may make any act done by them, or any of them, or consent given in the said Congress, in behalf of this state, obligatory upon every inhabitant thereof.

By order

CORNELIUS HARNET,

President.

JAMES GREEN, JUN.

Secretary.

[JOURNALS OF CONGRESS, VOL. II, P. 32.]

Wednesday, Feb. 5. 1777.

Resolved, That brigadiers Moore and Nash, proceed with the nine continental regiments, raised and directed to be raised in the state of North Carolina, to join General Washington; and that they begin the march from South Carolina, of such of the said nine regiments, as shall then be there, on the 15th day of March next, and of such continental troops as shall be in the state of North Carolina, as soon as they shall be joined by the regiments which are ordered, as aforesaid, from South Carolina. That the troops be marched by regiments or parts of regiments, as the commanding officer shall judge best.

Resolved, That the governor of the state of North Carolina, and the executive powers of the several states, through which such troops shall march on their way to headquarters, be requested to render them every assistance in their power, to expedite their progress.

[JOURNALS OF CONGRESS, VOL. II, P. 32.]

February 5, 1777.

(Extract)

Resolved, That a brigadier be appointed for the troops in North Carolina, and that his rank be determined when the other general officers for the army are elected:

The ballot being taken, Francis Nash, esq., was elected.

Resolved, That brigadier Nash use his personal influence in the western part of that State, and, by every means in his power, stimulate the inhabitants to enlist, and to urge the recruiting officers to be active in their duty, as it is a matter of much importance to the common cause, that the six regiments, formerly raised in North Carolina, should be filled up, and the three lately ordered, recruited to their full complement, before the 15th day of March next.

GEN. ROBERT HOWE TO GEN. MOULTRIE.

Charlestown Feb 23rd 1777

DEAR SIR,

This morning an Express arrived from Georgia with an Account that a Detachment of Regulars of at least 300 men with a Body of Indians and East Floridians making in all about 900 or 1000 men had invaded the frontiers of Georgia, attacked one of the forts which after a gallant Resistance was obliged to surrender and that they were advancing fast into the State and that some of the forts were about to be evacuated and that an immediate and considerable Support from this State was absolutely necessary.

Upon this information I thought it proper to call a Council of War, before which I laid the information I had received by Express. They were unanimously of opinion that the troops ought to be immediately sent. They further took into consideration the present situation of affairs, and it appearing that the enemy having advanced with Artillery thro' such a length of Country, could not intend a mere temporary Invasion into the Country, that having been joined by such a Body of Indians who as the Cherokees were treating, must be the Creeks, that thus a Creek war was immediate and inevita-

ble and that in that case without a very considerable Body of Forces to act instantly Georgia must be lost, & the Inhabitants of this State, on its frontiers massacred. Added to this that the Light Horse of Georgia had refused to do duty when ordered so that the Battalion men not consisting of more than 400 men were the only troops to defend that State, that the number of disaffected in that Country, who if the progress of the enemy is not stopped, would undoubtedly join them, the probability that the attack on the outpost was to be seconded by a Sea-Board attack in short that the critical situation of affairs made it absolutely requisite to suspend till your pleasure could be known, the march of the North Carolina Brigade. The Governor and Council also met on this occasion and gave it as their unanimous opinion they should be detained. Great as my concern is to suspend the order of a superior Officer & particularly as that Officer was gone, I could not upon an occasion so urgent, and upon advice so forcibly given avoid it, especially as if the reasons are not satisfactory you can easily overrule them and as the only inconvenience on one side is a few days delay, and on the other should the troops not be detained fatal consequences may answer. I should be glad to hear from you on this occasion in a Letter particularly directed to myself, as I shall be in Georgia for which place, I am on the brink of setting out, and it will give me great pain should you disapprove my Conduct. That I acted for the best I am sure you will do me the justice to think.

Your several Letters for this State had better be directed to the commanding Officer for the time being in Charles Town. The Troops set out tomorrow morning

I am

Dear General with every wish for your happiness

Yours sincerely &c.

ROBERT HOWE.

GEN'L ROBERT HOWE TO PRESIDENT HANCOCK.

[Letter Genls. Sullivan & Howe No. 160. P. 348.]

Charles Town 26th February 1777.

SIR

General Moore, who left this State the 8th Instant, gave you, I doubt not, a detail of Circumstances down to that time. Since that he has ordered the Brigade which he brought from North

Carolina to return. When they march, this Country will be left with no Troops but those incomplete Battalions which immediately belong to it, and which, by the returns I had the honour some time to transmit, will appear by no means equal to the defence of this place.

In my Letter to the Publick of this Country, a copy of which you have, I endeavoured to point out some of those Circumstances which I thought made the defence of it of capital importance to the common cause, and also what must one time or other make it an Object of attention to the Enemy. The nature of its Coast, so favorable to the approach of small Vessels, yet so dangerous to Men of War, the variety of Ports at which trading Vessels have such a number of chances to get in, the means of Traffic which its produce affords and the spirit of pursuing it which actuates the People, must make it (indeed has already made it) a place of amazing Trade, and a Mart from which sister states not so happily situated, have been, and will be under the necessity of obtaining supplies. These are Advantages so very beneficial to our Cause, and so highly injurious to that of the Enemy, that they must see the necessity of depriving us of them, if possible, which cannot effectually be done but by taking possession of Charles Town, and whenever they think proper to attempt this their Attack will probably be formidable and sudden; all aid therefore which is to be sent for may arrive too late, and make it requisite to keep constantly a respectable Body of regular Troops in this State, not less, in my humble Opinion, than Seven or Eight Thousand Men, nor will that number, I am persuaded, be thought too many, when we consider how various and extensive the necessary lines of defence are, how numerous the black Domesticks who would undoubtedly flock in multitudes to the Banners of the Enemy whenever an opportunity offered, how uncertain at any time, and at present how unfavorable the disposition of the Indian Tribes on the back of this State and that of Georgia, who, if they fell upon the Country in that Quarter at the same time that an attack was made upon the Sea Board, they would certainly deprive the latter of the assistance of the former; added to this the deplorable weakness of the State of Georgia—on every side assailable, almost in constant need of support and too remote to receive it from any other State than this; all which makes it apparent that less than the number I have

mentioned will render the safety of this valuable Country, as well as that of Georgia, exceedingly precarious.—I hope, Sir, I shall be excused this liberty which the Office I have the honour to fill made me feel it my duty to take.

I beg leave, Sir, in a particular manner, to recommend to your notice the Bearer of this Letter, Major Connor, from whose attention to, and knowledge of his Duty the service has received considerable benefit, he is so intelligent and so well acquainted with every circumstance here that I need not take up any more of your time.

I have just now received information, by Express, from Georgia, that a Party of the Enemy from Saint Augustine, consisting of Three hundred Regulars and as many East Floridans and Indians as make up about a Thousand, with some cannon, had attacked a Fort of ours upon the River Sattilla, which, after a brave resistance, was obliged to surrender: and that they were determined to penetrate still further into the country, that many Circumstances seem to indicate their efforts were to be seconded by an attack upon the Sea board, and it was feared they would be joined by the disaffected in the State of Georgia, of which, I am sorry to say, there are not a few. I have ordered what I think a sufficient Detachment to march from hence tomorrow morning, and shall immediately set out myself.

I have the honour to be,

with the greatest respect

Your most obedient humble Servant

ROBERT HOWE.

Honble. Jno. Hancock.

[Endorsed] Letter from Gen^l R. Howe
at Charles Town S^o Carolina.

26 Feby 1777.

Read. 24. March—

Major Connor to be desired to attend the Board.

GEN. NASH TO GEN. MOULTRIE.

March 9th, 1777.

The express returned last night and brought a letter for Gen. Howe, which I opened, not knowing you were in town: you will

receive it by the bearer and find that there is a necessity for the North Carolina troops marching immediately. With your permission, I will give the necessary orders for preparing for a march as soon as possible: you will therefore much oblige me by signifying your orders, in writing on the subject.

I am &c.

F. NASH.

To Gen. Moultrie.

FROM RECORDS OF CRAVEN CO.

STATE OF NORTH CAROLINA.

At a Court of Quarter Sessions and the Peace, Begun and Held for the County of Craven, at the Court House in New Bern on Tuesday the 11th day of March, in the year of our Lord 1777, and in the first year of the Independence of this State.

An ordinance for appointing Justices of the County of Craven being read, the following Gentlemen being named in the Commission of the Peace appeared, who having been qualified, agreeable to a Dedimus from His Excellency Richard Caswell, Esquire, Governor, &c., of this State, took their seats on the Bench; viz: James Davis, Alexander Gaston, Richard Ellis, Jacob Johnson, John Fonvielle, William Carraway, John Tillman, Bazil Smith, William Bryan, William Tisdale, John Gilliard, Esquires.

The Court proceeded to nominate and appoint a Clerk, when Christopher Neale being proposed was unanimously chosen and appointed as such, and took the Oath of Allegiance to the State, and the Oath of Office, and entered into Bond with sufficient security for the Faithful discharge of his Duty in Office, which Bond is to be lodged in the Secretary's Office.

John Bryan, Esquire, was unanimously nominated and appointed Sheriff of the County of Craven, and thereupon he produced a Commission from His Excellency the Governor, which being read, the said John Bryan, Esquire, took the Oath of Allegiance to the State and the Oath of Office, and entered into Bond with John Tillman, John Bryan, Trent, & William Carraway Securitys in the sum of one thousand Pounds for the Faithful Discharge of his Duty in office.

John McGraw was appointed Cryer of this Court.

GOV. JOSIAH MARTIN TO LORD GEORGE GERMAIN.

[B. P. R. O. America & West Ind : B. T. Vol : 313. p. 305.]

Long Island near New York.

March 14th 1777.

MY LORD,

I have the honour to represent to your Lordship that the Bearer M^r Robert Nelson late of North Carolina Merchant has uniformly conducted himself as became a loyal subject during the Rebellion in America and I therefore most humbly presume to recommend to your Lordship's favourable consideration his unfortunate case set forth in the Memorial he will present herewith in full confidence that it is a faithful narrative of his designs and misfortunes.

Your Lordship will perceive that while this unfortunate sufferer was obliged to submit to all the ordinances of the Rebels in order to rescue property out of their hands with a view to the discharge of his just debts in England he thereby made his vessel and cargo liable to seizure and condemnation under the late act of Parliament and that after undergoing all the persecution of the Rebels in North Carolina being taken by one of their Privateers and escaping out of that danger he is finally ruined by falling into the hands of his Majesty's Fleet at Rhode Island from which he expected aid and protection on making his honest story known.

This case, my Lord, appears to me of so compassionate a nature that I cannot withstand M^r Nelson's solicitations to bring it to your Lordship's knowledge and I am hopeful your Lordship will hold me justified for interesting myself thus far in the matter.

I am &c :

JO : MARTIN.

Rec'd 7th June.

SAM'L JOHNSTON TO THOMAS BURKE.

[North Carolina State Papers No. 72 p. 21.]

Hayes 17th March 1777.

DEAR SIR

Inclosed you will receive the Governor's Warrant for 500,000 Dollars agreeably to Resolve of Congress, dated the 22^d of last

month, previous to which on the 12th I drew in favour of Jacob Blount Paymaster for 250,000 Dollars. I yesterday drew in fav^r of M^r James Green Jun^r for 17,500 Dollars in 24 Sets of Bill to wit, 3 of 2500 Doll^{rs}, 2 of 1250 Doll^{rs}, 4 of 625 Doll^{rs}, 5 of 500 Doll^{rs} and 10 of 250 Doll^{rs} of which you will please to acquaint the Treasurer.

We have nothing here worth communicating. I shall be glad to hear from you at your Leisure and am with great Respect & esteem

D^r Sir

Your most Obedient Servant

SAM JOHNSTON.

[Addressed] Thomas Burke Esq^r at Baltimore.

[Endorsed] N^o Carolina No 5.

JOHN EATON TO RICHARD CASWELL.

[From MS. Records in Office of Secretary of State]

Dobbs County, Halifax March 18th 1777 .

DE. SIR,

I am sorry after the pains that I have Taken to Find that you are much displeased with the Chair you Purchast of me last Congress. If you be Remembered after you purchased your Chariott I applied to you to be paid for the Chair which you denied at that Time. One Joseph Waid From Anson County would have Given me 44 proce for it wit the Harness that that you offed. You in the First place Find Folt of the Shaffs being two Short by a Foot—Six Foot from the First Cross peace to the End is as Long as any I Ever made and if yours is not that Length I Confess I have Committed a blupder, you Condemn the Hole of the Other work without Conde-sending to any Peticulars. I Can venture to Say that if its not a Good Peice of work it was not Entended—The Harness which you Find Folt of—I Cant pretend to Say any thing about, as I am a Bleadg to purchase them For I have not an oportunity of making them Myself—the Chariott Harness I have not Got as yet and as the Chair Harness was So bad Should not Like (the price of the Other Chare, will be £40 prock. with one Harness) to be Concerned with the Getting them For Fear I May not Equit Myself of that duty—The Other Chaire you Spoke For I am again you are not In

want of For if that was not a Good Chair I Confess I Cant Make One Better The Shaffs is the Length that I always Make them and the Harness and Other Trimmings is as Good as the Times will aFord

I am Sir your very Humble Sert.

JOHN EATON.

N. B. If you Expect the Other Chair you Must Rite by the First Opertunity as I Shall do nothing to it until I hear From you as I wish never to do a peice of work Unless I Can Give Satisfaction if any part of your Chair is Give way From the Badness of work I will Repair it with out any Expenche.

SAM MCKENZIE TO HON. THOS. BURKE.

Baltimore April 5th, 1777.

Doctor Thos. Burke in Congress Philadelphia

DR. SIR:—

I wrote to you a few days ago by your boy but had it not in my power to send him by the conveyance I expected as some of the passengers had not the small Pox. I hope to be able to send him this morning.

We have nothing but confusion in this place they having settled the rank of officers in such a manner that most of them have resigned, I mean such of them as are worth Retaining in the service, I sincerely wish some method was fallen on to redress this grievance.

I have had a great deal of trouble in procuring Medicines for the Hospitals but have succeeded beyond my expectations. In my absence Mr. Griffith did not supply the people with proper necessarys. He drew upon me for what cash I could spare and afterwards quit acting without giving me any Reason or settling his accounts, I have appointed Mr. Mr. Vashon of this Town to act as Quarter Master for the Hospitals. I'm convinced he'll do his duty.

A Major Daves who arrived here a few days ago has ordered his men to March from the Hospitals without my orders or a Proper Discharge, if any thing should happen to the men he's to

be accountable. I shall send you an account of all that has been transacted in my Department in a few days

I am Sir

Your Humble Servt.

SAM. MCKENZIE

COLONEL JOHN PATTEN TO GENERAL WASHINGTON ON THE DIFFICULTIES OF RECRUITING.

May it please your Excellency

Inclosed is as particular a State of my Regiment as I can at present obtain. I have several parties now on their march for this place from the Country and am providing Cloths, arms &c. for them; in about ten days I shall have one full Compy ready to march. The Recruiting Service goes on very slowly,— My Officers are gone to all parts of the Country where I thought there might be a probability of success. They all complain of the expense attending that service, & think the allowance of ten shillings for each man they enlist, & ten shillings per week for their subsistence, too little to defray the charges that they are obliged to be at, every thing being so extravagantly dear in all parts of the Country.

The Board of War for this State have passed a resolve the 27th. March allowing the Recruiting Officers of the twelve Regiments to be raised here, four dollars for every able bodied man they enlist after that Date, who shall pass muster, in addition to any former allowance made by Congress or this State. I would beg to know if the Officers of my Regiment are to be allowed in like manner for men that they may enlist.

I have the honor to be,

Your Excellency's

Most Hble Serv^t

JNO PATTEN,

Colonel.

Philada 7th. April 1777.

 GOV. JOSIAH MARTIN TO LORD GEORGE GERMAIN.

[B. P. R. O. Am : & W. Ind : Vol. 222 No. 7.]

Long Island near New York

April 9th 1777.

MY LORD,

I have the honor to acknowledge the Receipt of your Lordships Dispatch N° 3 : enclosing the King's Royal Licence to me to return to England that His Majesty has been graciously pleased to grant in consequence of your Lordship's most condescending and obliging attention to my brother's representation of the convenience it may be to me to have it in my option to remain here or return to that Kingdom and I beg leave my Lord to embrace this first occasion to make my best acknowledgements for this mark of your Lordship's consideration which I am persuaded my brother will feel as sensibly as I do.

Full My Lord of the expectation of great events in the approaching Campaign and flattered by some amendment of my health that has been exceedingly impaired by my long confinement on ship-board I resolve as your Lordship has done me the honor and favor to leave me so much at large to wait here the issue in great hopes of its affording me opportunity of returning to my duty in North Carolina and I humbly hope this my determination will meet with your Lordship's approbation.

I think it may not be improper to observe to your Lordship at this time that the Members of the Council of N° Carolina so far as my Information goes have maintained their allegiance. I have heard however that the only son of M^r M^cCulloch and some near connections of M^r Sampson have taken open and violent parts in Rebellion, some of the British Merchants too, My Lord, in that Colony deserve my best report in particular M^r Andrew Miller M^r John Hogg and M^r John Cruden which last named gentleman engaged at the utmost hazard to supply the Loyalists with provisions at the time of their taking arms.

I have the honor to be with the highest respect

My Lord

your Lordships

most obedient and

most humble servant

To the Right

Honorable Lord

George Germain &c &c &c

JO : MARTIN.

[Rec^d 5th June.]

 SETTLEMENT OF RANK OF OFFICERS IN 3RD REGIMENT.

Halifax April 14th 1777.

Agreeable to orders the Officers of the 3rd Regiment of North Carolina Continentals troops met at Mr. William Martin's in Order to settle the rank of said Reg^t. The several Officers being called on to ascertain the number of men enlisted by them agreeable to a resolve of Congress held at Halifax Apr^l. 2nd 1776 it appears to us that Jacob Turner is entitled to the first Captaincy, Pink Eaton 2nd Do., James Emmet 3rd Do. William Barrett 4th Do. Thomas Granberry 5th Wm Brinkley 6th Do. John Gray 7th Do. and Daniel Jones 8th Do. which was agreed to and signed by each of them in Presents of

W^m LINTON

JOHN GRANBERRY

JAC. TURNER

PINK EATON

JAMES EMMET

N. EDMUNDS

THOS. GRANBERRY.

CHRISTO. BACKEY.

JOSEPH CLINCH

DANIEL JONES.

The Officers then proceeded to recommend such Persons/as they thought proper to fill the Vacanceis of said Reg^t. and place them in the several Comp'y Accord'g to their rank

Jacob Turner 1st. Capt.
Kador Ballard 1st. Lieut
Jas. Montfort 2nd Do.
Anthony Hart Ensign

Pink Eaton 2nd. Capt.
Jos. Clinch 1st. Lieut.
William Linton 2nd Do.
John Clendenen Ensign.

James Emmet 3rd Capt.
Math Wood 1st Lieut
Etheldrig Dance 2nd Do.
Charles Coleman Ensign

Daniel Jones 6th Capt.
John Granberry 1st Lieut
William Rushworm 2nd Do
Rubin Yarborough Ensign

Thos. Granberry 4th Capt.
John Midins 1st Lieut.
John Morphey 2nd Do.
Jethro Benton Ensign

James Bradley 7th Capt.
Christopher Lacey 1st Lt.
Henry Vincent 2nd Do
Charles O'Neal Ensign

William Brinkley 5th Capt.
G Bradley 1st Lieut
William Fain 2nd Do
Jonathan Butts Ensign

Nicholas Edmunds 8th Capt
Edward Yarborough 1st Lt.
John Tillory 2nd Do.
Mathew Goodrick Ensign

Whitfield Wilson is recommended as Quarter Master in the room of John Tillory Apr. 1777.

Signed and agreed to by

| | |
|------------------|-------------------|
| JACOB TURNER | JOS JOHN CLINCH |
| PINK EATON | MATH. WOOD |
| JAMES EMMET | G. BRADLEY |
| THOS. GRANBERRY | JOHN GRANBERRY |
| DANIEL JONES | CHRIST. LACKEY |
| JAS. BRADLEY | EDWARD YARBOROUGH |
| NICHOLAS EDMUNDS | JOS. MONTFORT |
| | WM. LINTON |
| | E. DANCE |
| | JOHN MORPHES |
| | JOHN TILLORY |

[JOURNALS OF CONGRESS, VOL. II. P. 94.]

April 15th, 1777.

[Extract]

Resolved, That an allowance of 125 dollars a month be made to brigadier general Robert Howe, to commence at the time he was left by major-general Lee, to command in South Carolina and Georgia; the said allowance being considered as necessary to defray the expenses of his table while he commands there, and to continue so long as he shall be in such command.

[IDEM P. 297.]

October 20, 1777.

Resolved, That brigadier Gen. Robert Howe, be promoted to the rank of major-general in the army of the United States. That Gen. R. Howe's letter of August the 29th last, relating to the general hospital in South Carolina, be referred to the medical committee.

[IDEM P. 438.]

February 10, 1778.

The delegates from North Carolina laid before Congress a resolution of the general assembly of that state, recommending Col. Jethro Sumner and Col. Thomas Clark, of the North Carolina forces to be elected brigadiers.

LETTER TO GEN'L ASSEMBLY FROM GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

MR. SPEAKER

A Letter from His Excellency Gov. Henry of the 11th Instant Accompanies this, which with the Copys of Letters therein referred to you will be pleased to Communicate to the House of Commons & then send them to the Senate

New Bern 18 April 1777.

R. C.

The Honble A. Nash Esqr.

Speaker House Commons

{ Seal of the
State of
N. Carolina }

[STATE OF NORTH CAROLINA.]

To Demcey Gregory Gentlⁿ, Greeting.

We, reposing special Trust and Confidence in your Patriotism, Valour, Conduct, and Fidelity, do by these Presents constitute and appoint you to be Captain of a Company in a Regiment Com-manded by Colonel Abraham Sheppard to be raised in this State for the defence of American Liberty, and for repelling every hostile Invasion thereof. You are therefore carefully and diligently to discharge the Duty of Captain by doing and performing all manner of Things thereunto belonging. And we do strictly charge and require all officers and soldiers under your Command to be obedient to your Orders as Captain. And you are to observe and follow such Orders, and Directions, from Time to Time, as you shall receive from your Superior Officers, according to the Rules and Discipline of War, in pursuance of the Trust reposed in you.

Witness Richard Caswell, Esq; Governor, Captain-General, and Commander in Chief, in and over the said State, under his Hand and Seal at Arms, at New Bern, the Nineteenth day of April Anno Domini 1777, and in the first year of our Independence.

R^d. CASWELL.

By His Excellency's Command
E. Glasgow Sec.

ABNER NASH TO ———

Newbern April 19th 1777

DEAR SIR,

I had the pleasure to receive your favour by Mr. Barnard and thank you very much for the attention you p'd to the affair of the prize Brig Hanover—as you suspected an appeal has taken place but not from the quarter of wh. you treat, I mean the state— but on behalf of the owners of the Letter of marque Sloop who pretended to sieze her— as the trial happened but a few days before the meeting of Assembly Mr. Coor the Collector thought it but a Compliment due to the state to enter an appeal that the Assembly might have it in their power to proceed thereon or not— & the Assembly not choosing to take up the matter, no security was ever entered by the Collector nor any step taken further so that the matter died. As to any claim on acct of the State indeed all ranks and degrees of people, the Disaffected only excepted have warmly expressed their desire that the people should have the earnings of this risk & labour— & had the Court of Admiralty decided in favour of the Pub. I have no doubt at all but the Assembly almost wt. a unanimous Voice would have bestowed the prize to the men— and I hope and flatter myself the Honourable body of wh. you are a member will upon a hearing think the Judgement just and Equitable & confirm the same, agreeable to the general wishes of every body here— two Days ago Capt. Davise in the employ of Mr. Stanly arrived from, the French West Indies— he brings an acct of a matter similar to this exactly— a vessel of the United States put into St. Thomas's the Capt. went ashore & the majority of the seamen being English they mutinied lashed a plank on the Bows and told the mate to take his choice either to walk over Board or navigate that vessel into Tarbola, the latter alter-

native of course was embraced— the vessel carried into Tarbola condemned & distributed among the seamen; this the young Gent son of our printer and of exceeding good character offers to make oath to and I believe has or is to do.

Mr. Folger agent for the people on this appeal is furnished with a Copy of Petition & resolve of our General Assembly respecting this affair by wh. it appears that the State has no claims nor any means to set up any— they have ordered the money to be paid over to Mr. Ellis the People's agent subject to such decree as the Congress shall make between Barron & Co & the people on trying the appeal— I hope it is not improper for me to express a wish that the Congress may dispatch this matter soon— with regard to news this way I am to Inform you tis my full Belief the Assembly will not open Courts nor even make a Ct. Law this Session most of the members being averse to such a measure in the present unsettled state of affairs— our Assembly have paid a Compt. to our worthy Delegate Dr. Burke wh. no private man has experienced before— a new County taken from Surry is called after him— a warm struggle is likely to take place between Mr. Penn & Hughes for a seat in Congress my belief is the former will succeed we have Elected and last Saturday proclaimed our Governor Caswell & the Council of the State we are all harmony & a perfct. good agreemt. as far as I can see is likely to prevail in our Houses of Legislature I have no more to say but again to recommend to your prying mind the Case of these poor men. I remain with very great regard & Esteem

Dear Sir Yr obedt Servt.

A. NASH.

COL. ALEX. MARTIN TO COL'S POLK AND SUMNER.

To Colonels Polk & Sumner of the North Carolina Troops Petersburg.

Petersburg, April. 28th, 1777.

GENTLEMEN

If you should want Provisions or Money Wm. Call in Behalf of the Continental paymaster & Commissary General will furnish you with either, you drawing Bills for that purpose—I know not.

what sums you should think necessary otherwise I should have drawn for you; but not more than one month's pay for your men I recommend to you to draw—please to hurry after me with all Expedition. I shall wait for you at Fredericksburg or Dumfries.

I am gentlemen

Your most humble Servant

ALEX. MARTIN

Cols. Sumner & Polk

GOV. R. CASWELL TO MR. GREGORY.

Mr. Gregory will be pleased to get Mrs. Gregory to Qualify as Admr. to Wm. Veal dec'd & have the same Certified by the Magistrate who takes her Oath, and send such Certificate to the Secretary's Office or to me, when the Letter shall be filled up and sent to him by such person as he may think proper to direct

R. CASWELL.

1st May 77

[NORTH CAROLINA STATE PAPERS, No. 72 P. 71.]

STATE OF NORTH CAROLINA

In the Senate

9th May, 1777.

Resolved, That it be recommended to the Congress to take into the pay of the Continent, the Artillery Company of this State.

In the House of Commons,

9th May, 1777.

Concurred with

Extract from the Journal of the House of Commons.

J. GLASGOW

Secretary of the State.

GOV. JOSIAH MARTIN TO LORD GEORGE GERMAIN.

[B. P. R. O. (N^o 8.) Am: & W. Ind: Vol: 222.]

Long Island near New York

May 17th 1777.

MY LORD,

I have the honor to inform your Lordship that on a Review of

my Carolina Papers which my returning health has lately enabled me to make I have met with a kind of conciliatory overture that I received in the month of January 1776. and as I have heard it has been misapprehended by some persons here I think it proper to communicate it to your Lordship even at this late period to obviate the possibility of misrepresentation although I considered it of too trifling a nature to deserve notice in the proper order of time.

The proposition my Lord to which I refer is contained in a Letter from a M^r Maurice Moore of which and of my answer thereto I have the honor to enclose Copies to your Lordship herewith. I am to inform your Lordship that M^r Moore's letter was brought to me by a person who acquainted me it was wished my answer might be calculated for the inspection of the Committee of Wilmington which it was supposed it must necessarily undergo from the same messenger. I understood it was the great object of M^r Moore by this letter to open a way to a personal interview with me in which he intended to communicate a plan he had formed for the accommodation of the differences subsisting between Great Britain and her American colonies. Knowing the man to be a most whimsical visionary in politics and that he was strongly tinctured with republicanism, imbibed it may be supposed in his education in New England I conceived no great hopes, My Lord, I confess that any admissible plan of reconciliation could proceed from him. I had my doubts too of his being authorized at all or that he would be trusted by the People of the colony to negotiate for them for altho' his parts and extensive connections in the Country gave him pretensions to considerable influence in the Assembly of that Province it was remarkable that his caprice and fickleness had always disappointed his ambition to take the lead in that branch of the Legislature insomuch that it is averred he has never carried a single point there of any importance in a course of upwards of twenty years service which is the more surprising as he has been evermore a zealous votary of the bubble popularity. His part in the present rebellion was long as undecided as his political conduct has been on all other occasions for after entering two of his sons in the rebel army he has affected to speak at times with disapprobation of violent measures as I have heard.

I have thought it proper to give your Lordship these lines of M^r Moore's character and before I take leave of the subject it is neces-

sary I inform your Lordship that owing to the neglect of my messenger who trusted my answer to M^r Moore to another hand it did not reach him until the Loyalists were in motion so that I heard no more of him or his political speculations which I have no doubt will be found if ever they come to light as wild as any thing the frenzy of the present times has produced but although this was my opinion from the beginning I thought it adviseable to shew every disposition to receive favorably whatever advances were made under the sanction of the people that looked like desire to return to their duty and I flatter myself your Lordship will think that I acted correspondingly and that I gave as much encouragement to M^r Moore's proposition as it deserved or was consistant with my duty.

As I consider it may be hereafter of publick utility that your Lordship should know how little strength Government has derived from Patent Offices executed by Deputies in the Colonies I have the honor to transmit to your Lordship herewith the copy of a letter I received from M^r Samuel Johnston, Deputy Naval Officer of North Carolina, in answer to a letter of mine suspending him from his Office of which your Lordship will also receive a copy. I mean to give it as an instance to your Lordship that the Deputies of such Officers acknowledge no dependance on, or relation to, Government whence it happened often I have no doubt, as in the case of M^r Johnston always, that the weight derived from these offices was employed to embarrass instead of aiding Government which thus forged arms against itself. M^r Johnston, My Lord, had a good private character in deference to which and to the opinion of some of his friends that he would take a part of moderation I forebore to suspend him until he appeared as Moderator of a Provincial Congress and accepted from that illegal Assembly the Office of Treasurer of the Colony notwithstanding I had found him uniformly in opposition to every measure of Government during my administration. This Gentlemen, My Lord, was educated in New England where as in the other case I have mentioned it may be supposed he received that Bent to Democracy which he has manifested upon all occasions and more especially and most criminally in contending as a Lawyer as confidently as ignorantly against the Legality of the exercise of the acknowledged Prerogative of the Crown to constitute Courts of Judicature at a

time the Assembly perversely rejected repeated opportunities to establish Courts by Laws of their own through obstinate adherence to an inadmissible provision that applied only to particular circumstances thus becoming a principal instrument of dethroning Justice in North Carolina full two years before the total subversion of Government by Rebellion which in that Province may almost be said to have been forerun by anarchy. It is certain however that the Assembly wanted not the countenance of a Lawyer's opinion to renounce the choicest blessings that should flow from Prerogative. The over indulgent concessions which the generosity of Government was wont to make to these froward people, My Lord, almost in every instance that they contended they as ungratefully as presumptuously ascribed to other causes and it was become a maxim with them that they had only to oppose obstinately any regulation of Government to have it revoked. In short, My Lord, the compliance of Government had reduced it to a very Phantom in the Colonies while the continual usurpations of the Assemblies had drawn all real power and energy into their own hands 'til at length in the fullness of vanity they wantonly tired of that relation to Britain to which they owed all their prosperity in all the Colonies except the Floridas I believe My Lord. But in N^o Carolina I am sure the Assembly had arrogated such absolute authority over the Public money with regard to the custody and disposal of it that the King's Governor in the greatest emergency could not draw a shilling out of the Treasury a circumstance which I presume to mention to your Lordship as one that in my humble opinion may deserve attention at the restoration of the King's Government in the Colonies when I conceive it will be on all accounts advisable to reserve to His Majesty's Governors the right of appointing the Provincial Treasurers.

Having been led, My Lord, to take notice that the power of the Crown to constitute Courts of Justice in the Colonies had been called in question I think it proper to observe to your Lordship that experience hath evinced the utility, if not the necessity, of erecting Courts of Judicature in these Provinces by the Prerogative. Wherever those first Institutions of Civil Polity have been left to the Assemblies to form they are either very imperfect or depending on temporary laws as in North Carolina the administration of Justice has been liable to total suspension from some caprice of the

Assembly in relation to them In this Province of New York where the Courts have been established from the beginning by the power of the Crown they have never known an interruption of the course of Justice. They are modelled and regulated as nearly as possible upon the plan of the King's Courts at Westminster. The Assembly has been wisely contented to enjoy the benefits of these Institutions and hath never offered to interfere with them farther than to regulate their proceedings in certain cases by Laws on account of some local necessity.

Although the very high and important department your Lordship now fills will necessarily have turned your attention more particularly towards Colony Affairs it cannot be doubted that your Lordship's general knowledge of things must have made you acquainted with the feebleness of Government in these Provinces and have shewn to your Lordship how much it has favoured if it may not be said to have induced the present Crisis and as at the restoration of order it may become matter of your Lordship's contemplation how to strengthen it sufficiently I most humbly beg leave to suggest one expedient that may be employed with great good effect in North Carolina, it is my Lord to abolish the Office of Clerk of the Pleas that is an absolute sine-cure and to vest in his Majesty's Governor the power of appointing Clerks of all the Courts as well inferior as superior. Heretofore it belonged to the Officer above named by the tenor of His Majesty's appointment to constitute both the one and the other but the Court Laws have always vested in the Chief Justice the appointment of the superior Court Clerks which the Lords of Trade objected to and by their Lordship's letter bearing date Dec:^{ber} 12th 1770 instructed M^r Tryon then Governor of North Carolina to take care when the subsisting Court Laws should expire to have that power reserved to His Majesty's Governor. With infinitely greater reason and advantage, My Lord, the right of appointing the County or (Inferior) Court Clerks should reside in the same hands. These Officers of which there is one in each County soon acquire an ascendancy over the Magistracy of their respective Counties and by the manifold duties which the laws have accumulated upon them obtain prevailing influence over the People, hence it happened, My Lord, that as many of them as pleased got into the Assembly where they were almost constantly found in opposition to Government recognizing

no sort of obligation for their employments. The office of Clerk of the Pleas has been always odious and his power has never been properly acknowledged in N^o Carolina. The County Court Clerks who have accepted his Deputations have done it rather through courtesy than any sence of necessity for it has been contended that the power of appointing Clerks was legally vested in the Courts and the Clerk of the Pleas has found it his interest to compound for the admission of his authority upon any terms, glad to stipulate with his Deputies for a small portion of their annual profits. If his authority had been thoroughly established it would have been an advantage to him as it would have enabled him to farm his Offices to the best bidders but that would have been detrimental to Government which would have borne all the reproach of its Officer's venality. This subordinate Officer of Government called Clerk of the Pleas by his Commission has power to appoint thirty three Clerks in N^o Carolina whose employments are worth from Two to five, six and seven hundred pounds currency p^r ann. while the King's Governor there has not a single office in his disposal of the value of the most contemptible clerkship and Government has not derived a grain of weight or influence from these desirable and important appointments because they have not flowed from the King's Governor, in whose hands where they could not be venal they would strengthen it exceedingly. In this Province of New York their Offices have been always in the Governor's disposal. I had formerly the honor to propose, as I have now done, the abolition of the Office of Clerk of the Pleas and the only objection made to it was that it would be a hardship to deprive that Officer of his appointment without imputation of misbehaviour of which I could not but feel the force in the case of M^r Strudwick the present Clerk of the Pleas who is a man of merits.

Since that time My Lord I found occasion to recommend M^r Strudwick to the Lords of the Treasury for the office of Receiver General of His Majesty's Revenues in North Carolina in the room of M^r Rutherford who with many good qualities is exceedingly unqualified for that office as His Majesty's Auditor General can inform your Lordship and if the Lords of the Treasury shall be pleased to accept my recommendation of M^r Strudwick the Office of Receiver General will be ample compensation to him for the abolition of that of Clerk of the Pleas.

It has been already thought adviseable, My Lord, that the power of appointing Sheriffs should be vested in the Governor of North Carolina as it is in this Province but in order thereto it will be necessary the Law of that Colony of the year 1768 Intituled "An Act for appointing Sheriffs and directing their duty in Office" be disallowed so far as it relates to the appointment of that Officer as in effect it gives the power of appointing Sheriffs entirely into the hands of the Justices of the Peace who have most shamefully prostituted those important Offices.

Whenever circumstances shall draw your Lordships attention to the affairs of N^o Carolina your Lordship will find there are two Laws of that Province of the year 1774 the one Intituled "An Act for establishing Inferior Courts of Pleas and Quarter Sessions &c" the other "An Act to establish Courts of Oyer and Terminer and General Gaol delivery &c" to which I assented for the sake of preserving some show of an administration of Justice when the Assembly would neither make or admit any better provision for it, that are fit to be recommended for His Majesty's Royal disallowance since they will otherwise by their own Limitation endure to the end of a future session of the Assembly.

Notwithstanding all matters relating to the civil Government of these Colonies must be considered at present as mere subject of speculation I have thought it my duty humbly to suggest to your Lordship such circumstances with regard to North Carolina as I have thought may deserve your Lordship's notice when the time arrives for reforming the Colony Constitutions that is a most stupendous and important work which seems reserved for your Lordship to accomplish.

I am to beg your Lordship pardon for omitting to report in its proper place that I found opportunity before I left N^o Carolina to signify His Majesty's most gracious pardon to the Insurgents there except Hermon Husbands pursuant to the power granted to me by His Majesty for that purpose.

Captain Tunes who was to have been the Bearer of my Dispatch N^o 6. I find, My Lord, was detained here by Sir William Howe's appointment of him to an Office of much utility and consequence.

I have the honor to be with the highest respect

My Lord

Your Lordships

most obedient and

most humble servant

JO: MARTIN.

Rec^d 10th July.

JUDGE SAML. ASHE TO HONBLE THOMAS BURKE ESQR. AT LANCASTER.

By Favour of the Honble Cornelius Harnett Esq.

CAPE FEAR June 7th 1777

DEAR SIR,

I scrawled you a line of little consequence from Newbern; I can do no more now, as there is not a syllable of News here, worth Communicating to you. I am induced to write because I wish to correspond with you, tho' I fear my anxiety for the public Cause, will make me tiresome in the repetition of my request for intelligence of Transactions in the busy part of the world where you are, as well in the Camp as Cabinet, especially as I wish to have your Judicious remarks with them. I presume before this, the Armies on each side have taken the field, and a busy scene begins to ensue; God grant us a favorable event. In my last I mentioned some men of war, being in here, it seems they only touched to water & render us what mischief they transiently could, and went out again. These Visits might be made disagreeable, if not altogether prevented, would your Western members lay aside their local prejudices, and consider the True interest of the whole state, and suffer us to have a fort there, till this is done we may not expect a trade, the want of which they also will be sensible of in time. I earnestly hope the pleasure of a long Letter from you by every opportunity.

Wishing you health and happiness I remain

Dear Sir

Yr. most obedt. Servt.

SAM. ASHE.

Thomas. Burke Esqr.

[JOURNALS OF CONGRESS, VOL. II. P. 162.]

Tuesday, June 10th, 1777.

[Extract]

Ordered, That an extract of Governor Caswell's letter of the 20th April, be transmitted to general Washington, with a recommendation, provided the general has not already appointed commanding officers to complete the sixteen additional battalions, that Colonel Abraham Sheppard, of North Carolina, be appointed to the command of one of the said additional battalions.

A Morning Report of Colonel Sumner's Detachment June 11th, 1777.

| COMPANIES. | | F. Officers. | | C. Officers. | | | Staff Officers. | | | Non Comm'd Officers. | | | Rank and File. | | | | | | | | | |
|------------|--------------|--------------|-------------|--------------|-------------|----------|-----------------|-----------|----------|----------------------|----------------|------------------|----------------|------------|-----------|---------|---------------|-------|------------|--------------|------------------|--------|
| | | Colonel. | Lieut. Col. | Captains. | Lieuten'ts. | Ensigns. | Chaplain. | Adjutant. | Surgeon. | Qr. Master. | Serg't. Maj'r. | Qr. M'r. Serg't. | Drum Maj. | Sergeants. | Drummers. | Fifers. | Fit for Duty. | Sick. | Prisoners. | Offs Servts. | C. C. Prisoners. | Total. |
| Capt'ns. | Armstrong's. | ..... | ..... | 1 | 3 | 3 | ..... | ..... | ..... | ..... | ..... | ..... | 1 | 1 | ..... | ..... | 31 | 3 | 3 | 3 | 0 | 38 |
| | Harriss's | ..... | ..... | 1 | 1 | ..... | ..... | ..... | ..... | 1 | ..... | ..... | 1 | 1 | ..... | ..... | 36 | 6 | ..... | ..... | 1 | 43 |
| | Doherty's | ..... | ..... | 1 | 1 | 1 | ..... | ..... | ..... | ..... | ..... | ..... | 1 | 1 | ..... | ..... | 27 | ..... | 1 | ..... | 1 | 38 |
| | Ramsey's | ..... | ..... | 1 | 3 | ..... | ..... | ..... | ..... | ..... | ..... | 1 | 1 | 1 | ..... | ..... | 26 | ..... | ..... | 2 | 1 | 31 |
| | Fifer's | ..... | ..... | 1 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 1 | ..... | ..... | ..... | ..... | 9 | ..... | ..... | ..... | ..... | 9 |
| Total | ..... | 1 | 1 | 5 | 8 | 3 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 20 | 6 | 2 | 129 | 13 | 3 | 12 | 3 | 160 |

Nich^s Minora Deserted yesterday morning from Guard of Capt. Harriss's Comp^y

James Watson, Capt. Harriss's Company, at Burden Town sick.

Bern^d Fowler, 1st Sergt. in Philadelphia sick.

Wm. McEntire of Capt Doherty's Comp^y at Burden Town sick.

[JOURNALS OF CONGRESS, VOL. II. P. 169.]

June 17, 1777.

Resolved, That the battalion directed by the State of North Carolina, to be raised under the command of Col. Abraham Sheppard, be admitted on the continental establishment, and considered one of the sixteen battalions which general Washington was empowered to raise and commission; the several stipulations and conditions by the said State provided, relative to the said battalion, being observed; and that the said Colonel Sheppard be ordered, as soon as 300 rank and file shall be inlisted into his said battalion, if within the time by the State of North Carolina stipulated, to join General Washington with all possible expedition, leaving proper officers to recruit.

To William Wilkinson Esquire in Wilmington from Corn Harnett
CONTENTNEY BRIDGE 13 June 1777

DE SIR

I hope to be near Tarborough this night, the weather has been

so very sultry that Travelling is very disagreeable indeed—let Mrs. Harnett know I am well—This Billet is indeed for nothing more than to inform you that the Justices at Halifax New Bern and several other places, have behaved very Spiritedly; many of the Tories were Ordered to remove, and are selling off their effects—I think the New Hanover Justices should send immediately To New Bern for a Copy of the Act of Assembly, this has been done in most of the Counties—Do not neglect it, other wise let your Justices be ever so well inclined to serve their Country they will be at a very great Loss.

I do not suppose the Great man will suffer me in my absence to be Elected a Member for Our County, should it happen I will serve. I am

Dr. Sir

your friend & hum. Servt

CORN HARNETT

William Wilkinson.

[NORTH CAROLINA STATE PAPERS— No. 72. P. 29.]

“Extracts from a letter from Governor Caswell to Mr. Burke (Delegate in the Continental Congress), dated 17th June, 1777.”

I have ordered the officers with their Recruits, Deserters and Invalids to attend at Halifax, the 10th of July, in order to march, if required, to Join the principal army, and at the same time promised pardon to all Deserters who shall then join their Respective Corps.

The General Assembly have resolved to recommend it to Congress to put the Artillery Company on Continental Establishment, they have about 40 to 50 men inlisted for three years or during the War. If it is thought convenient to put that company, as well as the Regiment now raising by Coll. Sheppard, on the Establishment, I submit to Congress if it will not be prudent to Join that company to Sheppard's Battalion, and order them on. I know it will be very agreeable to the Officers to serve together.

PETITION OF JAMES SPIVEY & OTHERS.

[From MS. Records in Office of Secretary of State.]

N^o. Carolina Pitt June 28th 1777.

To His Excellency Rich'd Caswell Governor and Commander in Chief over the State of North Carolina.

To His Excellency Richard Caswell Esqr. Governor and Commander in Chief, in & over the State of N^o. Carolina. We the Subscribers hereto most Humbly Sheweth, Hopeing your Excellency will grant us some Redress, that are much Distressed by Two Vagabone young men, that Resorts our Neighbourhood Near the line of Pitt and Dobbs, on little Contentney, as their manner of living is by pilfering and Stealing of Hogs, which has been proved against them, & sheep, & bells, & anything they Can, & doing Mischief to peoples Creatures, they both have been Drafted Twice, & run away, & lay out first in one County & then in the Other, till the Companies Macht, & then they will skulk about and & be at their Mischief again, they makes their brags that they will not goe into the Service, they Never are Subject to any Military Discipline whatever, they Never assign any Test, their Names is William Lambort, & Noah Smith White, this Lambort, & his Brother, by all account kill'd a man to the Southward, & Run away for it, his Bror, listed in the Service and des'd, & this followed the same Exercise there, & Now when any officer Comes to take them they shift from one County to the Other, & so keep out of any Officers way, they Generally keeps private and lyes out, Except amongst their favourites, your Humble pertitioners, beg your Excellency if you please, to give some Order from under your hand, to take them if Possible, & have them put in the Service, that they may do some good for their Country, as they are Very Prejudicial to this place, we Humbly beg your Excellency, Patiently to Receive our Unworthy Complaint, as it will Render much Satisfaction to this Neighbourhood, to be freed, from the Tyranny of such Pestilent fellows, here is one more, we hope your Honour will give us leave to Inform your Excellency of one Henry Lambort, Lately Come in the place, & is a great Confederate of theirs, he has Lately Deserted the Service at Charles Town, we would Humbly

beg your Excellency, to give us Some advice what to do with him,
as we Expect he will follow the same practice, as they have no
Estate, nor follows no Occupation for a livelyhood, Scarcely, &
Hopeing your Redress, your Excellency Petitioners, as in Duty
bound shall Ever prays

JOHN FINMAN
JACOB BLOUNT
WM WHITFIELD
SOLOMON SATTON

his mark +

JOHN SOL.

THOS. BRACKSON

his mark +

THOS. FINMAN

BENJAMIN BLOUNT

SAMPSON POWELL

ANTHONY TONQUETT

RICH'D MAYO

WILLES WILLIAMS

JAMES BRACKSON jun

JAMES ROBERTS Sen.

JAMES SPIVEY

THOS. H

PETER DIGGINS.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

State of North Carolina Beaufort County

July 2nd A. D. 1777

To the field Officers of the Eight Regiment of Continental foot of
the State

GENTLEMEN

Being well acquainted with the Character & liabilities of the
Bearer Mr. Stephen Owens; I would recommend him to you as a
sensible, discrete young Man well affected to the American Cause—

Of good morals—and deserving promotion in the continental Service—He went with me Adjutant of a Company of Militia to Cape Fear, in which Expedition he behaved himself with that Discretion & manly Prudence which did honour to himself & the Company in which he was in—If there should be a Vacancy in said Regiment, his promotion would be gratefully esteemed by

Gentlemen

Your Obedient Servt.

HENRY BONNER

[JOURNAL OF CONGRESS. VOL II. P. 190.]

Tuesday, July 8, 1777.

Resolved, That brigadier general Nash be directed immediately to repair with the North Carolina and Virginia forces now in and about Philadelphia, to Billingsport, there to remain until further orders; and that these troops, with the militia from Pennsylvania and New Jersey already ordered to that place, be employed in completing the works for the defence of the river Delaware.

Ordered, That Michael Hillegas, esq. continental treasurer at Baltimore, forward, under a proper guard, 300,000 dollars to the State of North Carolina, being part of the 500,000 dollars voted to that State the 5th day of February last.

[IDEM. P. 33.]

February 5th, 1777.

Resolved, That 500,000 dollars be advanced to the State of North Carolina, upon a warrant from the governor of the said State for that sum, the said State to be accountable.

[REPORTS OF BOARD OF WAR 1776-77-78 VOL. 1 No 147 P 251]

At a Board of War 10th July 1777. Members present Mr. Jno: Adams. Mr. Harrison. Mr. Wilson, Mr. Climer, Mr. S. Adams, & Mr. Duer.

The Board beg leave to Report to Congress.

That the Artillery Company in the State of North Carolina be taken into the pay and Service of the Continent as part of the Quota of the Troops to be raised by that State & be ordered to March & join Gen^l Washington.

Extract from the Minutes.

RICHARD PETERS Secy.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Robt. Smith Esqr. (King Taminy)

To His Excellency the Governor & The Honourable Council at
Halifax

SIR,

I came here on purpose to do myself the Honor to wait on you in Council, to have laid before you the inclosed inventory of the King Taminy and her Stores, of which Vessell, the last Assembly at New Bern thought proper to appoint me Comm'd. It would appear from their Resolve which I only rec'd about three weeks ago, unattended with any instructions from them, they intended, the King Taminy should be fitted out for the merchant Service and chartered to the Continental Congress & by them to be insured, not considering that I acted for Congress and by that appointment would in fact be chartering for myself a Vessell from myself. I have however since I received their Resolve, had her hauld to a Wharff, her Ballast thrown out and hove Her down and cleaned her Bottom which tho' a good deal hurt by worms is in much better order than I could have expected. I had engaged some hands at the wages given out of the port at the time of her sailing,

but on looking over the Resolve mentioned, I find I am authorized only to allow such wages as were given the 7th May. since that, wages have risen much, and may possibly still rise more before she sails. I inclose the Resolve for your perusal. After the foregoing state of the matter, I submit it to the consideration of your Honourable Board, and beg leave to observe in General, first that some merchant should be commissioned in Edenton to fit out the Taming and execute the Charter party with me. From him I will charter her for Nantz, Bordeaux or Port Le Orient to return here with such Cargo as the Continental agents in those parts may think best to Ship on board her. I will charter her by the month, and on behalf of the United States insure her at the value may be agreed on untill her return, the monthly hire to be paid on her return and in case of her being lossed the hire to stop the very day it happened. Or the Council may commission three men well acquainted with Vessells, and their value, to set a price on her and her monthly hire or wages & I will take her at that as before mentioned and execute a Charter with you—in this last case, which will be attended with most trouble, the papers should be sent down as soon as may be, as she must lye idle till they come & with them his Excellency's dft. on the Treasurer for Five Hundred pounds which I think the outfit will cost at least. In the next place if she goes on the Voyage above mentioned she will not have Occasion for but a small part of the Stores, say 4 of the Smallest Guns, 6 Sweivle and about 10 muskets and Ammunition in proportion. Ten men before the mast would be Sufficient, orders should be given about the remains of her Stores.

I have the Honor to be

Sirs

Your most obed. & very Hble Servts
ROBT. SMITH

Halifax 11th July 1777

JOHN PENN TO GOV. RICH'D CASWELL.

Philada. July 12th 1777

DEAR SIR,

Having been informed that the Troops belonging to our State could not part with the money they brought with them, but at a very great loss, Doctor Burke and myself thought it reasonable to exchange with the Men, by giving them an equal number of Continental dollars, which Mr. Blunt at our request did, amounting in the whole to 2485½ dollars agreeable to the inclosed list—we hope the money will be of use with you; indeed it was lost to the Soldiers here.

We have Employed Lieut. John Allen to Conduct the money from Baltimore and have requested Mr. Helligrass to dispatch him as soon as possibly he can. You will receive the above quantity of dollars besides the 300,000 sent by the Congress, the whole is to be Conducted at the expence of the Continent.

It is still uncertain what General Howe means to do as he remains between Staten Island & New York. Genl. Burgoyne is in the Neighborhood of Ticonderoga, his force is not known. I am afraid we shall not be able to keep that Fort

Your son is very well, our Troops are near this City waiting for Genl. Howe's movement. With great respect

I am

Dear Sir

Your ob. Serv.

JOHN PENN

Doct. Burke was out of the way so could not sign this letter.

These are to Certify that Mr. James Ward was appointed, and Acted as Surgeon & mate to the 1st Battalion of No. Carolina Troops, which office he Discharged the Duties of faithfully and to Satisfaction, till he left the Service.—

JNO FERGUS

Surgn. 1st Battalion

Wilmington 14th July 1777.

FROM GOV. CASWELL TO DR. THOS. BURKE.

NEW BERN 15th July 1777

DEAR SIR

Your favour of the 24th Ulto. containing the very agreeable account of Genl. Howe's retreat from the Jerseys, I have just received, the particulars of that Interesting affair I shall anxiously expect from you together with the prevailing Opinion of Congress with respect to Howe's next attempt, whether to the Eastward or Southward. His late Conduct I flatter myself will be no advantage to Britain, on the Contrary I am at present inclined to think great Benefits may accrue to America, However of this no more till we see the Consequences.

I have since the rising of the Assembly the 9th of May last wrote you five or six letters. In yours, you do not mention the receipt of any one of them, the Assembly took no notice of your request to visit your Family in the Course of the Summer, but the opinion of the Council was that on the arrival of the other delegates at Congress, you might withdraw from that service for awhile so as not to be too long absent.

I wrote you respecting the money to be sent here, Colo. Shepards Battallion & the Artillery Company. Mr. Penn undertook to have the money Voted by Congress to this State, or at least, such part of it as had not been drawn for by the Treasurers, sent immediately out, on his arrival at Philadelphia, where we had not a doubt but he would have been before the end of May. I have received a letter from him of the 24th June in which he takes not the least Notice of his undertaking. I informed you nothing could be done here in the recruiting Business without Money, and now I beg your attention to that subject—I have granted warrants to one or more of the officers of every Company who were left in this State to recruit, such of them as Applied to the Treasury obtained Bills on the Continental Treasury untill a Sum Limited by the Assembly was all drawn for, a few of them were able to get Money for their Bills, many others have them still by them and those who did not apply in Time have not the least prospect of getting a farthing 'till the Arrival of the Money from Congress. Under these circumstances, that Business must go on very slowly. I directed the

officers with their recruits, apprehended Deserters, and late invalids to Assemble at Halifax the 10th Curr. when I had great expectations the Money would be here to pay them off & intended sending all on to the Grand Army, except a few officers to remain here to recruit. The Money not arriving I do not well know what can be done, indeed I have not yet received a return from the Commanding officer, but Hourly expect it.

Colo. Sheppard's Battallion was directed by the Assembly to be raised on the following plan, the Commanding officer to name all the officers, the Battallion to be on Continental establishment, 300 Men to be raised by the 1st of July, in which case, the Men to draw pay from the Time of enlistment & the officers from the date of their Comd.—These officers who have been very active and have made use of their own money, Borrowed or otherwise procured it on their own Credit, have been able to enlist the 300 men within the Time Limited and the Colo. has orders to Assemble them the 20th Instant when I hoped they would receive their pay & Clothing which would be an encouragement to others, in this I fear they as well as myself, with respect to the pay, will be disappointed.

The Artillery Company was by Assembly requested to be considered, by Congress, as a Continental Company, and the Council recommended to me to request it might be added to Colo. Sheppard's or some other Battallion, as they have neither paymaster nor Surgeon and many other inconveniences arise on account of their not belonging to any particular Regiment—Be pleased, Sir, to obtain the sense of Congress respecting Colo. Sheppard's Battallion and the Artillery Company, whether they are to be considered as Continental Troops, if so, if the Artillery Company is to be added to Colo. Sheppard's or any other Battallion, if Sheppard's Battallion is received as Continental whether it shall be ordered to the Northward or if they shall remain here to endeavor to Compleat, as I flatter myself might be nearly the case if such permission is Granted them two or three months longer—pardon me dear Sir when I once more entreat in the most earnest manner that you use your utmost endeavors to furnish us with money, without which you know as well as I do little can be expected from us. Mr. Harnett I hope will be arrived before this reaches you as he set out several weeks ago but I understand intended to inoculate for the small pox on the road, and I am sure will give you his utmost

Assistance, Mr. Penn has engaged his to the Assembly, I am told. Very little conversation passed between him & myself on public matters, for reasons known to himself and which you may perhaps form some conjectures of. The Letter for my son, be pleased to forward, any Advice you are pleased to give him, I hope will be gratefully rec'd. and therein you will particularly oblige him who is with the greatest regard & esteem Dr. Sir

Your Obedient hum. Servt.

RICHARD CASWELL.

[No. 169. "GEN. WASHINGTON'S LETTERS." VOL 3, P. 328. A STATE DEP'T.]

Camp near the Clove,

16th July, 1777.

To the President of the Congress.

SIR:—

I was yesterday evening honoured with yours of the 14th. I have heard nothing from the Northward since my last. I this day received advice from Staten Island that on Sunday seventy sail of the enemy's ships fell down from the watering place to the Hook, but whether they have since gone out to sea I have not heard. Till I have more certain information of the state of our affairs to the Northward, and of Gen'l Howe's real intentions, I have concluded to halt the army at this place, from whence I can march either forward or return as circumstances may require. If Gen'l Nash should not have begun his march before this reaches you, be pleased to order him to proceed as far as Trenton only, and there wait my farther orders. In case he should have marched be pleased to despatch an Express after him with orders to halt at Trenton.

* * * * *

I have the Honour to be, with great respect,

Sir, your most obed^t Serv't,

GEO. WASHINGTON.

COL. JNO. WILLIAMS TO GOV. RICH'D CASWELL.

[From MS. Records in Office of Secretary of State.]

HALIFAX 19th July 1777.

MAY IT PLEASE YOUR EXCELLENCY :

You will receive herewith a return of each Battalion now Assembled at this Place, shou'd have waited some time longer for Major Davidson of the 4th Battalion, but Capt. Goodman who has just arrived informs me, that he will not join us till Friday next & that he is now on his March from Salisbury. Capt. Hall of the 9th is also on his way from Surry with his recruits, and many other of the Subaltern Officers have not come in. Your Excellency shall as soon as they join have a return of such recruits as they shall bring with them, together with a list of those officers that will be left for the recruiting service and as there are a number that have not made a return of their success in that service, I thought it most advisable not to nominate those Gent. untill Major Davidson & Capt. Hall had joined us; I think at least one Commission'd Officer on that head— You will also receive the Proceedings of the Court of Inquiry held by your Instructions.— Mr. Wm. Pasteur paymaster to the—Battalion is now in this Town & setts off for Newbern tomorrow, who says he is willing & even desirous of acting as paymaster to the whole of my Division, cou'd he be furnished with Money for the purpose. I have informed Colo. Long who will take the necessary steps in providing Waggon &c.

I have the Honor to be Your Excellency's Most Obed Humble Sert.

JOHN WILLIAMS.

Returns of the Troops in No. Carolina 19th July 1777

| 1st Regt. | 14 Officers | 12 Recruits | Tot. 19 |
|---------------------------|-------------|-------------|-----------|
| 2nd | 11 " | 45 " | 66 |
| 3rd | 11 " | 9 " | 20 |
| 4th | 10 " | | 45 |
| 5th | 12 " | 13 " | 24 |
| 6th | 20 " | 25 " | 78 |
| 7th | 14 " | 38 " | 29 |
| 8th | 12 " | 15 " | 23 |
| 9th | 18 " | 28 " | 69 |
| 122 Officers 185 Recruits | | | 307 Total |

[BY POST, FROM CORN. HARNETT.]

PHILADELPHIA, July 20th 1777

William Wilkinson Esquire Wilmington No. Carolina

DEAR SIR,

I was Inoculated at Port Tobacco & had the Disorder very favourably—my arm continues very sore & inflamed indeed so bad I can not wear a Coat, & has prevented my attending Congress tho' I arrived here the 18th— Inclosed is a Letter for Mrs. Harnett which I must beg the favour of you to have well smoked with Brimstone as she is very fearful of the small Pox, I put all my Letters in the Sun for an hour before I seal them and am very certain the infection cannot be conveyed in a letter so far but it is best to be cautious— All kinds of goods are selling here at the most extravagant prices, I shall send you the Prices Current in my next— I am afraid you are fooling away your rum, Whiskey was selling at Tarborough as I passed through at 20 sh. per Gall. by the Barrell I hope you will make the most of the rum on hand, I can buy a Linnen Jacket & breeches under £10 this Currency Bro Cloth 9 & £10 per yd a Common Dinner & Club if you drink any wine 20 sh.—I hope you have managed to exchange the Cr. money in hand for Continental Currency as Mr. Clayton offered to have it done for us— Remember me to all friends, I shall write Capt. Forster & Mr. Quince very soon, the Lotery will be drawn soon—for News I refer you to the Paper Inclosed— I sent the Numbers of the Tickets purchased by me for sundry persons, on the other side you have them again. Lest my letters should not have come to hand you will please make them known to the Concerned. I shall write you more fully in my next I am

Dr. Sir

Your sincere friend & hum. Servt.

CORN. HARNETT

William Wilkinson Esqr.

MEM OF PURCHASE OF LOTTERY TICKETS BY CORN. HARNETT.

Tickets purchased for Mr. Dry

| | | |
|------------------|---|------------------------------------|
| No. 18m918 | } | 1 Ticket Mr. Eras. M. Hanson |
| 18m919 | | No. 19m783 |
| 18m920 | | 2 Tickets for Maj. Caleb Grain- |
| 18m921 | | ger No 19m784 |
| 18m922 | | 19m785 |
| 18m923 10 in all | | For Quince & Co. 5 Tickets Viz |
| 18m924 | | Rich Quince No 19m786 |
| 18m925 | | Corn Harnett—19m787 |
| 18m926 | | Will ^m Wilkinson 19m788 |
| 18m927 | | Forster & Brice—19m789 |
| | | Thos. Craike—19m790 |

Capt. Forsters 2 Tickets on
his own private account
delivered by him to me
-----viz.

No. 18m973 and No. 18m990

I had it not in my Power to procure any other Paper but the
Evening Post.

[NORTH CAROLINA GAZETTE JULY 25, 1777.]

NEW BERN, July 24, 1777.

Ten Dollars Reward

Deserted from my Company in the 5th North Carolina Battalion
of Continental Troops, Sundry Soldiers, viz. William Watson,
William Topping, and John Robinson, new Recruits; also Nathan
Gray, Willie Gurganus, William Satherthaite, Elija Slade, Thos.
Wilkinson, John Kennedy, Andrew Huston, Christopher Sherman,
William Moore, George West, Benjamin Alexander, Henry and
Anthony Tully, John and William Gerrel, and Simon Fitzgerald,
all belonging to this State. Whoever delivers the above Deserters
to me, or any other Continental Officer, shall have the above
reward for each of them.

BENJAMIN STEADMAN,
Capt. 5th Regiment.

[TAKEN FROM NORTH CAROLINA GAZETTE, 1777.]

NEW BERN, July 25, 1777.

Since our last, a large Vessel from this Port has sailed, having on Board a great number of Tories, with their Wives and Families, chiefly Scotch Gentlemen who have refused to take the Oaths of Government to this State. They are mostly Gentlemen of Considerable Property, which they have acquired in America, and have it chiefly on Board, and chuse to risk every Consequence rather than acknowledge the freedom of a Country which has been so remarkably propitious to the People of their Nation. Among them is Mr. Martin Howard, late Chief Justice of this Province, with his Wife and Daughter.

HENRY GIFFARD TO GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

CROSS CREEK, July 28th, 1777.

MAY IT PLEASE YOUR EXCELLENCY

The bearer hereof Mr. John Ramsay has shown me a citation directed to him and his wife to shew cause why the last will of Matthew Drake should not be admitted to proof, and Letters Testamentary granted; The Time given therein, and other Circumstances, are immediately necessary to be exhibited before you, and unavoidable Business intervening renders it totally impossible that his Evidence, with the necessary proof, can attend; being connected with a variety of Circumstances. I am concious, your Excellency, would not suffer any thing to be done before you that had the least shew, or collour of violation; so I am certain from my own knowledge of the Business I can undoubtedly prove the will to be surreptitious and fraudulently obtained; perhaps the Evidence by whom they intend to prove the will, would upon close examination confess as much; but if he should not, Mr. Ramsay, has others who will prove the deceased was not in his proper Senses many days before he died.

Your Excellency is conscious that a will should be proved by two witnesses at least, if Living, and as there is two living, consequently they should be present before they can obtain a Probate;

for the above Reasons, and for want of due Time to summons the Witnesses who will prove the collusive manner of obtaining the will, with the Insanity of the deceased at the Time, Mr. Ramsay humbly prays you will grant him a further day— at least admit him to enter his Caveat against the will, when I do not doubt but it will be in his power to lay open a scene of the Blackest die, which when shown, will carry conviction in itself sufficient to destroy the validity of the said will iniquitous and unjust. Should you be of opinion that Bond is necessary to prosecute the Cause, I am willing to become Mr. Ramsay's Security for any sum you shall judge expedient.

I flatter myself you will not think the above Request unreasonable as it may serve to develope Truth and expose Fraud, which was the Reason the County Court of Chatham would not admit the will to proof, and from a Personal knowledge of Facts granted Letters of Administration.

I am with all Respect

Your Excellency's most Obedient Hum. Servt.

HENRY GIFFARD.

JAS. GILLESPIE TO GOV. RICH'D CASWELL.

[From MS. Records in Office of Secretary of State.]

DUBLIN, 31st July, 1777.

HONOUR'D SIR,

The bearer hereof, Mrs. Gillespie, Informs me that her Husband is in Confinement at Cross Creek. I have known Wm. Gillespie these several years and has no reason to believe him an Enemy to the American Cause, As I passed through Cross Creek Last Winter he expressed much friendship to me and the men I had with me and I have never heard any thing hurtful of him in any way or Cause, I have been informed that he has offered of Allegiance to the State and Security which has been refused, But that he might be released by Inlisting into the Continental Army. (which if so) would be an open fraud to the publick as he is upwards of fifty years of age and Very Infirm pardon my freedom in this and I Conclude with my Best Wishes to you and your family and Am your Excellency's most obed Servt.

JAMES GILLESPIE.

CAMP Aug. 2nd 1777

Colo. Sumner's Complimts. to Genl. Mulenburg with the request of the Carolina Officers & Soldiers, that he allow if he be pleased, that they join the Troops from the State they are off, Commanded by B. G. Nash.

By Virtue of an Order issued July 25th 1777 by Genl. Muhlenburg for the Field Officers of his Brigade to meet in Order to examine the Claim and Dispute subsisting between Messrs Pelham & Scott of ye. 1st V. Regt.

Colo. Sumner Presd't.

Colo. Matthews
Maj. Weltner
Maj. Ball.

Lt. Col. Seayres
Maj. Joines

JOHN BRYAN TO GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

Saturday the 3rd of August 1777

DEAR SIR,

We have an account from Cross Creek by Mrs. Glasbee Mother to Dugald Campbell a Liver in Cross Creek and Left that place Last Tuesday Morning, she Lodged at Capt. Randals night before last and Informed him that there was when she left that place above a hundred men in that town in Arms and on her way she met Great numbers in Large Companys on their way to Cross Creek She Imagined about five or Six hundred Mrs. Glasbee is now Gone to New Bern town.

Capt Randal will be with you himself as he told me Last night. Capt. Hargate Returning and the Regular Troops not yet Marcht as I believe you thought had, I feared it might be of Bad Consequence and has Caused me to trouble you with these Lines

Your Humble Servant

JOHN BRYAN.

DUGALD CAMPBELL TO HIS EXCELLENCY RICH'D CASWELL
ESQR. NEWINGTON.

[From MS. Records in Office of Secretary of State.]

NEW BERN August 4th 1777

PLEASE YOUR EXCELLENCY

This is to acquaint you that my Mother Came from Cross Creek in Expectation of seeing your Excellency here Concerning her husband being in Gaol there, on Account of Curseing one of the Magistrates when he was in Liquor and keeps him still in Confinement and refuses Security for him—Now she and I request the Favour of Your Excellency to Write to some particular person at Cross Creek that will release him from his Confinement or shew him Justice. Your Compliance in so doing will for Ever Oblidge Your most Obed hum. Servt.

DUG. CAMPBELL

P. S.

In Case Your Excellency thinks fit to Write to Any person there my step father's Name is William Gillespie.

GEN. ALLEN JONES TO HON. THOS. BURKE.

HALIFAX, Aug. 6th, 1777.

DEAR SIR,

I have to acknowledge the favour of yours of the 18th Ult. with the newspaper. I assure you no reverse of fortune can possibly damp my spirits or occasion any despondency, so thoroughly am I convinced that Time and America must overcome all opposition—I am happy in finding my thought agree with yours as to the mode to be persued in carrying on the war, and wish from my Soul that the Congress may have the wisdom to adopt the Counsels of my Friend— But Envy most accursed Demon, linked with Self interest frequently blast the best intentions.

Before now I make no Doubt but you have heard of a most accursed plot in favour of the British Tyrant. It was to have broke out with the assassination of the leading men in every County, and afterwards none were to be spared but such as repaired to their Standard— Heaven Blasted the Design and our

Prisons confine some of their Leaders tho' some of the *most* atrocious are not yet taken.

The great Mr. Brimage is in Edenton Gaol being one of the heads of these Cut throats also his Father in law one Black John Stewart likewise a Brother of Tom's— I make no Doubt but hanging about a Dozen will have exceeding good Effects in this State & give Stability to our new Government— They seem to me to have been designed for this purpose by providence. Mr. Eaton on my application to him tells me that Mr. Burke wrote to him not to finish the Carriage and that now it was quite out of his power, owing to wanted workmen and materials, so that your wisest Step will be to get one wherever you can for I assure you it is become very difficult here. I shall take the utmost care of your Letters & send them by the first opportunity. You may believe me when I tell you that I am with Esteem & affection

Your Sincere Friend

ALLEN JONES

To Dr Thos Burke

[NORTH CAROLINA GAZETTE. AUGUST 8, 1777.]

NEW BERN August 4, 1777.

Wanted immediately for the celebrated and well known Brig of War, Sturdy Beggar, under Command of James Campbell, Esq; now fitting out at this place for a short Cruize against the Enemies of the Thirteen United States, a few good Seamen and Marines. The Sturdy Beggar is allowed to be the handsomest Vessel ever built in America, is completely furnished with all kinds of war-like Stores, Ammunition &c. is remarkable for fast sailing, having never chased a Vessel but she soon came up with.

[REPORT OF BOARD OF WAR, No. 147. VOL I. P. 303.]

At a Board of War 9th August 1777.

Agreed to Report to Congress.

That such Troopers of the North Carolina Light Horse under the command of Captain Cosmo Medici & Capt Martin Phifer as shall enlist for three years or during the war shall be furnished

with Horses & be properly accoutred and that those men who will not so enlist return home to North Carolina under proper Officers

Extract from the Minutes

RICHARD PETERS

Secy

[N^o CAROLINA STATE PAPERS. N^o 136. P. 347.]

Treasury Office

Philad^a Aug^t. 9th 1777

The Committee on the Treasury beg leave to report the following Resolutions—

The committee

* * * * *

Resolved That there be paid to Isaac Guion acting as Pay Master to the 4th & 7th Battalions of Continental Troops raised in the State of North Carolina, Six thousand Dollars one half thereof for the use of each of the said Battalions respectively, said Pay Master to be accountable—

* * * * *

[Endorsed] Aug^t. 9. 1777

Report of

Committee on the Treasury

WILLIAM WILKINSON ESQR. FROM CORN. HARNETT.

PILADELPHIA 11th August 1777

DEAR SIR,

Your favour of the 16th July only came to hand a few days, I am exceedingly anxious to hear from Cape Fear- & am obliged to you for the information in regard to my family, I sincerely regret the death of our worthy friend Foster—he has a brother living in one of the Counties in the Deleware State, pray inform me whether he made a Will & how he has left his affairs.

The Northern partment have been much alarmed by the loss of Ticonderroga. Genl. Gates is appointed by Congress to command the Army in that Quarter & the General Officers who commanded there before, are ordered to repair to head Quarters to have their Conduct inquired into— We have had no certain account of the

Destination of the fleet which sailed from Sandy Hook upwards of three weeks ago with Genl. Howe's Army on board, which has kept Genl. Washington in great suspense as you will see by the News Papers Inclosed— Mr. Mallett who arrived here a few days ago informs me there has been a Terrible Mortality among the Slaves at Cape Fear, I am sorry to hear it. I beg you will inclose me the So. & No. Carolina papers by every post or other opportunity, you know there is no danger of paying Postage— At foot I sent you Prices Current of sundry Articles here and should you have Occasion for any of them at those prices I desire you will send the money, as I have spent all I brought with me & my 1800 per an. will not maintain me— Present my Compliments to Mr. Brice & desire him to send me the accts Sales of all the Prizes sent in by the Continental ships of war as I am obliged to settle with the Bord of Treasurers. I write Mr. Hooper &c by this Opportunity but I desire you will tell them I expect Letters from them in return or I shall stop my hand—remember me kindly to all my friends & be assured that I am, Dear Sir,

Your sinc. friend & hu. Servt.

CORN. HARNETT.

William Wilkinson Esqr.

Prices Current.

west India rum 40s to 45s per Gall.

Noward rum 30s-36s.

Lo Sugar .15 per pound.

bro Sugar 7s-6 Do

1 quart punch 10.

Board by the week £10 to £12

Beef 2s-6 per lb

Chickens 3s-9 & 2s-6

a water Mellon 7s-6

1 night Stables & feeding 1 horse 10s to 11s

Shirting Linnen 40s to 45s

And indeed every other Species of goods & Provisions in proportion.

Tea 16 per lb wine £3 to £4 per Gall

Dinner & Club at a Tavern from 20s to 35s

[PROTEST OF FIELD OFFICERS OF N. C. AGAINST APPOINTMENT OF DR.
HAND TO COMMAND THEIR BRIGADE.]

CAMP AT TRENTON, Aug. 14th 1777.

We the field officers of the North Carolina Troops present our respectful Compliments to the Delegates of that State now met in Congress, and beg leave to mention to them that a Report prevails in Camp, received from good authority, that by the Recommendation of Thomas Burke Esqr. one of those Delegates, the other two being absent, a certain Doctor Hand resident in Pennsylvania is appointed a Brigadier General for the Troops of North Carolina, in the room of General Moore, deceased, alledging at the same time that that State might think itself very happy in such an appointment.

The Merit of General Hand, for what we know, may be very great and justly entitle him to the Favour of Congress; but we believe him almost unknown to every Person in North Carolina, except to Doctor Burke:—and such partiality for a Countryman, as we are informed, in Preference to the Officers of the State he represented, whose prior claim to Preferment from their long and many services, we humbly think from Duty demand his support, we feel not only as a wound to ourselves; but consider it a reflection on that State, which appointed us, and a stab to Military honour throughout the Continent in General. But as this appointment has not been publickly announced for North Carolina; we therefore with all due respect pray that the Delegates of that State, who are the Representatives, and Guardians of every department of it in the Continental Council, will be pleased either singly or collectively to give us further Information on this Matter, that we may conduct ourselves accordingly.

Lieutenant Col^o Patten the Bearer of this is authorized by us to wait on the Delegates & receive such Answer as they will please to honour him with.

ALEX MARTIN
JETHRO SUMNER
THOS. POLK
E BUNCOMBE
JAMES HOGUN
GIDEON LAMB

TH. CLARK
 JOHN PATTEN
 JA. THACKSTON
 ARCH. LYTLE
 SAM. LOCKHART
 LEVI DAWSON
 LOTT BREWSTER
 W^m POLK
 JNO. WALKER
 JAS. ARMSTONG

To the Honourable the Delegates of the State of North Carolina now in Congress at Philadelphia.

["LETTERS TO WASHINGTON." DEPT OF STATE. No. 17. P. 229.]

TRENTON, August 14th, 1777.

His Excellency Gen. Washington

SIR

Inclosed is the proceedings of a Board of the Field Officers of My Brigade which I am requested by them, to lay before your Excellency, for your direction.

You have also inclosed the proceedings of a General Court Martial, whereby you will find that 2 Soldiers belonging to my Brigade are sentenced to death which is also submitted for your Excellency's final determination.

I have the honor to be

Your Excellency's

Most ob't. & very humble Se'nt.

F. NASH.

- [Endorsed] Trenton, 14th of August, 1777.

From General Nash with sentence of Court Martial & representation of Field Officers.

TRENTON, 19th July, 1777.

At general court martial held by order of the Honorable Brig-

adier General Nash, for the trial of all the prioners in the main guard.

Present, Col. James Hogun, President.

| | | | | | |
|----------------------------|---|---------|---|-----------------|---|
| Cols. | } | Members | { | Capt. | |
| Thomas Clark | | | | Henry Dixon | - |
| John Patton | | | | James Gee | |
| Majors. | | | | Pink. Eton | |
| Samuel Lockhart | | | | John Nelson | |
| Levi Dawson | | | | William Caswell | |
| Charles Simms | | | | John Williams | |
| Lott Brewster | | | | | |
| Rev ^d Adam Boyd | | | | | |

Judge Advocate.

The members having been all sworn, and the Judge Advocate having been also sworn & prosecuting in behalf of the United States the following prisioners were bro't before them viz^t:

John Marsh of the first N. Carolina regiment accused of desertion. The prisoner confessed that after having served six months in that regiment he reinlisted for a year: That he deserted from his command at Eagles' Mills on Cape Fear to the enemy, with whom he went to Charles town, from that to New York, was taken prisoner at Trenton & afterwards entered into the Service of the United States, in a Georgia battalion.

All these facts appearing from his own confession, without one palliative circumstance, the court were reduced to the disagreeable necessity of sentencing him to be shot to death.

ADAM BOYD. Jud. Advocate.

Chester, 2^d Aug^t, 1777. Extracts from the Minutes.

TRENTON, July 22^d, 1777.

The court having been continued by various adjournments to this day met, but two of the members Captains H. Nixon & James Gee being ordered on command & the Judge Advocate being sick; Captains Thomas Hogg & Edward Vale were ordered to supply the place of the two members & the Rev^d Mr Ford that of the Judge Advocate, who having been duly sworn, Willoughby Johnson of the first N. Carolina regiment was bro't before the court accused of desertion. Upon hearing his charge read, the prisoner acknowledged, that on his march from N. Carolina, near the Virginia line about the last of April, he deserted from the said regiment. He also acknowledged that it was the third time of his desertion.

It is therefore the unanimous opinion of this Court that the said Willoughby Johnson be shot to death.

Taken from the minutes of the Court this 2^d Aug^t, 1777.

ADAM BOYD, Judge Advocate.

[NORTH CAROLINA CAZETTE, AUGUST 15, 1777.]

NEWBERN August 15

Last week a Report prevailed, that the Vessel which lately sailed from this Port with a Number of Tories on Board, was taken; since which the Account is confirmed. She was taken soon after she left the Bar, by Capt. Weeks, in a Privateer from Virginia, in Consort with a Letter of Marke Sloop, who have carried her off to the West Indies. She must prove a valuable Prize, as the Gentlemen on Board her have large Sums of Money with them, and the Vessel having 200 Hogsheads of Tobacco on Board.

ARTHOR BOYES TO GOV. CASWELL.

August 19th 1777

MAY IT PLEASE YOUR EXCELLOY:

My reasons for enlisting are these, I last year maintained my Father in law's family to the Amo. of £15, I afterwards married furnishing every rag my wife has, this with my own necessities reduced me to sell a pair of silver buckles and run three dollars in debt of two handkercheifs I had very old and worn out and two more made of an old fine shirt, there is none left here, fit to wear, aprons she has one, no ribbands, so I could not keep her nor endure myself to board at a tavern though I have found Country Quarters. But may it please your Excellency I have a wife with out Cloaths; A school with out benches: shirts and shoes both past mending. I have sold my Cloaths to Capt. Armwell Hearn and have his Note for £12 but having no Coat I bought a hunting shirt for 5 dollars, if I leave my lodgings I must pay for them, the Note is not due till Sept 28 my shirt, lodging, Debt &c. with her board both here and at home must be paid out of the Note. But what is worst of all her father's character is so bad I would rather

quit her altogether than she should stay 12 months near him. My own folly brought my distress upon me and death alone frees me. To stay here and see her perish is more than death, to provide her and myself seems impossible. My intention is therefore to enlist, pay my debts with the Bounty and what remains put in Capt. Zenas Parker's hands for her use and when I have done all in my power for her trust to a Good God who having fed me all my life unto this day I Trust and Believe will not lett her be destitute and preferment (I hope no impossible event) may yet render me capable of maintaining her but as I would bear any misfortunes rather than your Excellency's di-pleasure I shall not enlist till I know it. Humbly hoping it will not be long I presume to subscribe myself with the greatest Respect

Your Excellency's
Most Obed and
Most Humble Servant
ARTHUR BOYES

[ARMY RETURNS N° 15 P. 14.]

TRENTON August 20th. 1777

In consequence of a recommendation of the Officers of the 5th North Carolina Regiment Henry Crutcher is appointed an Ensign in the said Regiment.

F. NASH
B General

[RESOLVE OF CONGRESS 21ST OF AUGUST RELATIVE TO THE REMOVAL OF STORES &C.]

IN CONGRESS Augt. 21st 1777.

Congress being informed that a large collection of Tar is made at Wilmington in North Carolina and that the enemies fleet is now upon the southern coast.

Resolved that it be earnestly recommended to the executive power of North Carolina to cause all military and naval stores in the said state to be removed to places of security with all possible expedition, it being of the greatest consequence to the United States, that the same should not fall into the enemy's hands, and that such

stores should be destroyed rather than to be possessed by the enemy

Extract from the Minutes

CHAS. THOMSON

By order of Congress

JOHN HANCOCK Presdt.

[NORTH CAROLINA GAZETTE, AUGUST 29, 1777.]

WILMINGTON August 23

On Thursday last arrived in this Port, the Letter of Marque Brigantine "Resolution," belonging to this Part of the State, & commanded by Joseph Meredith; accompanied by a large Ship called the Polly, Capt. Thomas Collart, bound to Jamaica from Mississippi, which he met with in his return home, in Lat. 30, Long. 75, and which he has conducted to a good Anchorage in Capt Fear River. There is no doubt of her being a Prize, and will sell to a considerable Amount, being well fitted, and loaded with a Cargo very suitable to the west India Market.

SAM. JOHNSTON ESQR. TO JAMES GLASGOW ESQUIRE SECRETARY OF NORTH CAROLINA.

By Express

EDENTON 23rd August 1777

— SIR,

The Bearer waits upon you for a certified Copy of the order of the last Assembly respecting the Brigantine Johnston whereof Mr. McKnight was a part owner. Be so good as give him all the dispatch possible as the Brigantine is loaded & only waits for that paper I remain

Sir,

Your most Obedient Servant

SAM. JOHNSTON

P. S. Pray present my Compliments to the Governor, let him know that we have certain advice that about two hundred Sail of the Enemy's Shipping have actually sailed up Chesapeake Bay

mostly Sloops & Schooners, but have not heard of their attempting to land at any place.

[FROM DIARY OF THE AMERICAN REVOLUTION VOL. 1. PAGE 486.]

August 25, 1777.

Yesterday morning (Sunday) part of the Continental army, amounting to about ten thousand men, with his Excellency General Washington at their head, marched through Philadelphia, and proceeded over the Schuylkil to the southward. This day General Nash's brigade of North Carolinians and Colonel Proctor's regiment of artillery have also passed through the city, and are to pursue the same route in order to join our most illustrious general.

New York Journal, September 15

Pennsylvania Journal, August 27.

GEO BROWN & OTHERS TO GOV. CASWELL

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE]

BLADEN COUNTY 27th August 1777

These are to certify that the bearers, John Hanna & William Mactur, have behaved themselves honestly, & justly as Merchants since they came to this Country, and we never heard any person say any thing to the Contrary, and we believe that their motive for leaving this Country is more on Account of Settling their affairs with their Partners in Europe, than any dislike they have to be Subjects of this State, therefore we hope your Excellency will give them a permitt to Protect them in case they should be taken by Privateers or any Continental Vessels, on their way to the West Indies, or Europe, & your Excellency will very much Oblige

Your Excellencys

Most Obedient & very Humble Servants

GEORGE BROWN J. P.

JOHN SMITH J. P.

W^m. M^cREE.

ESPHER KILLBEE TO HIS EXCELLENCY THE GOVERNOR.

[From MS. Records in Office of Secretary of State]

Sept. 4th 1777

MAY IT PLEASE YR. EXCELLENCY

I herewith take the liberty to enclose the Petition of the New-topsail Militia, together w^t a list of the Company, attested by the Clerk, by which yr. Excellency may judge of the great injustice I rec'd in having my Commission taken from me without cause and given to another. The list compared w^t the names to the Petition, will at once shew yr. Excellency the true Voice of the People: who are almost unanimously for me, & who live in expectation that yr. excellency will be pleased to restore to me my Command, or Order a new Election immediately—had I committed any misdemeanor, and been broke by the Articles of War, I should tho' disgraced have Acquist w^t my fate— but concious of the rectitude of my conduct— I am doubly unhappy at my unjust removal—

I have the honor to be

Yr. Excellency's most Obed

humble Servt.

ESPHER KILLBEE.

[EXTRACTS FROM GEN. WASHINGTON'S ORDER BOOK STATE DEP'T, WASHINGTON, D. C.—VOL. 2. PP 287-89]

HEAD QUARTERS, Wilmington, (Del) Septem^b 4th, 1777.

After Orders

* * * * The tents of Gen^l Sullivan's, Lord Stirling's and Wayne's divisions, and Nash's brigade are to be struck and packed by five o'clock to-morrow morning (if the weather permit)—these corps, together with Gen^l Potter's brigade, are to hold themselves in readiness to march at a moment's warning. * * * * *

[VOL. 2, P. 299.]

HEAD QUARTERS, Birmingham, Sept^b 10th 1777.

* * * * Two hundred men of Gen^l Greene's, and two hundred of each other division, and one hundred of Gen^l Nash's brig-

ade of Continental troops; and four hundred of Gen^l Armstrong's division of Militia, are to be drawn out daily as picquets, and to assemble; those of Gen^l Greene's, Gen^l Wayne's, Lord Stirling's and Gen^l Stephen's divisions, and Gen^l Nash's brigade on the most convenient ground near the Artillery park. * * * * *

HEZ. ALEXANDER & OTHERS, MECKLENBURG, TO GOV. CASWELL.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE]

Mecklenburg County

MAY IT PLEASE YOUR EXCELLENCY

By a copy of an order of the court of Cumberland dated July term 1777 & certified by Willm. Rand clerk of said Court, produced before us justices of the peace in and for said county of Mecklenburg by the bearer Duncan Ochiltree an inhabitant of this county we understand that the said Duncan Ochiltree hath been cited to & appeared before the said Court of Cumberland and was there required to take and subscribe the Oath prescribed by act of Assembly to be taken by the late Officers of the crown of Great Britain &c. and upon his refusing to take the same was compelled to give Bond with bail in the Sum of Five hundred pounds currency for his departure out of this State within Sixty days from the date of said order.

Now as we Judging of the words of the law to the best of our understanding think that the above said bond was illegally taken and of consequence not binding and, lest the Said Duncan Ochiltree should escape the operation of the aforesaid Act of Assembly we have cited him and taken Sureties on recognisance in the Sum of Two Thousand pounds currency to appear at the next court to be held for this county, to be dealt with as the law directs—and whereas this circumstance of his being cited to the court of Cumberland and there refusing to take the oath is the only reason we ever had to suspect the said Duncan Ochiltree liable to be Called upon by Virtue of said act he being now and for near four years last past a Constant resident of this County and has always behaved himself as a peacefull orderly Subject and since the beginning of the present war hath freely Contributed to and encouraged the carrying on the same:

We think it Just and necessary to petition your Excellency and the Honourable Council if the aforesaid order of the Court of Cumberland shall also appear to you to be illegally taken that you would adopt such measures as in your wisdom you may think necessary to prevent the said Court of Cumberland from enforcing the said order or Compelling the Said Duncan Ochiltree or his Sureties to forfeit or pay the penalty of the bond aforesaid. we are

Your Excellency's

Most obedient Humble Servants

HEZ. ALEXANDER

EPH. BREVARD

ALEX. ALEXANDER

CHARLOTTE September 4th 1777

His Excellency Rich'd Caswell Esqr.

(NORTH CAROLINA GAZETTE SEPTEMBER 5; 1777.]

New Bern, September 5, 1777.

Since our last arrived here Capt. Dinison, in the Sloop Heart of Oak; from Surinam. The Captain reports, that in Lat. 34. Lon. 73. he fell in with an English Fleet of 63 sail, consisting of Ships, Brigs, Sloops, and Schooners, among them 7 or 8 Flags; they were steering to the Eastward. The Captain says he was attacked by one of the Fleet, a small Tender, but had the good fortune to escape.

Just now arrived a Vessel here from the Bar, she was outward bound, and just after getting out, was chased by an English Brig, called the Lord Howe, and obliged to put back, and the Brig now lies off the Bar. We hear our Provincial Vessel the Pennsylvania Farmer, still lies at Core Sound, but in no condition to make any Defence.

STATE OF NORTH CAROLINA.

By His Excellency

Richard Caswell, Esquire, Governor, Captain General, and Commander in Chief, of the said State.

A Proclamation.

Whereas it will be difficult for the Inhabitants of this State to

supply themselves with common Salt, unless the Exportation and Transportation thereof be prohibited, I have therefore thought proper by and with the advice of the Council of State, to issue this my Proclamation hereby prohibiting the Exportation and Transportation of Salt from this State after this date, until the Expiration of thirty Days from the date hereof; of which all Naval Officers, Merchants, and other Persons are required to take notice.

Given under my hand and seal at arms, at New Bern 2^d day of September, in the year of Lord 1778, and in the second year of our Independence.

RICHARD CASWELL.

By his Excellency's Command.

J. GLASGOW, Sec.

CHIEF JUSTICE MARTIN HOWARD TO LORD GEORGE GERMAIN.

[B. P. R. O. AM. & W. IND: VOL: 222.]

NEW YORK September 10th 1777.

MY LORD,

It is with very great Reluctance that I venture to take up a moment of your Lordship's time upon a subject which must already in many instances have tryed your Lordship's Patience, I mean applications for relief from suffering American Loyalists. I flatter myself however that my claim to His Majesty's favour is so reasonably founded that I shall obtain your Lordship's benevolent Aid and Intercession to procure me a share of that Bounty which His Majesty has already so eminently displayed to many in my situation. My Story my Lord in a few words is this, I was His Majesty's Chief Justice and one of the Council of North Carolina when the present Rebellion broke out and I resided there till about six weeks ago when the usurped Powers of that country compelled me to leave it. I accordingly embarked with my Family leaving the chief of my property behind me which indeed was not very considerable as it is a long time since I have received any salary or perquisites of Office. I am now in this city extremely happy to find myself once more under the protection of the British Government but at the same time now a little dejected to find myself destitute of all means of subsistence, a misfortune I

have little hopes of repairing by any Exertions of my own in the active scenes of life as a slender constitution and the enervating climate of Carolina have entirely unfitted me for such. I am therefore My Lord advised to solicit His Majesty's Bounty and I most humbly ask your Lordship's assistance to procure it for me in such manner and measure as to His Majesty shall seem meet.

I should not do justice to myself on this occasion was I to omit informing your Lordship that this is the second time I have been ruined by the Americans by my attachment to the British Government. In the year 1765 at Rhode Island I wrote in defence of the parliamentary Right relative to the then Stamp Act for which my House and furniture was destroyed and for which I have never received any compensation.

My worthy Friends Governor Martin now here and Governor Hutchinson now in England will I flatter myself lend me their countenance in this application to your Lordship.

I have the honour to be with the most profound respect and veneration.

My Lord
your Lordships
most obedient and
most humble servant
M. HOWARD.

The Right Hon^{ble}

LORD GEORGE GERMAIN &c &c &c.

Rec^d: 26th Nov^{ber}

[CONSOLIDATION, &c. OF CERTAIN N. C. CONTINENTAL REGIMENTS.
ARTILLERY CO'S IN CONTINENTAL SERVICE.]

Pension Office, Washington, D. C.

[Book "Miscellaneous Organizations and other Information"—
Page 98.]

REMARKS..

"After the Battle of Brandywine, 11th Sept. 1777, 2nd and 3rd N. C. Regiments consolidated and called the 2nd."

"After the Battle of Germantown, 4th Oct. 1777, 4th and 1st N. C. Regiments consolidated, and called the 1st, commanded by Col. Thos. Clark."

“Col. James Armstrong commanded the 8th N. C. Regiment—On the reduction of it those soldiers that were left was tranferred to the 2nd commanded by Col. John Patten.”

W. WILKINSON ESQR. FROM CORN. HARNETT.

PHILADELPHIA Sept. 13th 1777

DEAR SIR

I received your favour of the 26th August, that of the 15th is not yet come to hand, the arrival of Capt. Meridith with his prize gives me pleasure, I am in hopes this will be a saving Voyage perhaps a profitable one. This is the 5th letter I have wrote you since my arrival and you have not acknowledged the receipt of one of them I every time Inclose you the Last papers— you have them again now, by which you will find we have had a Battle at Chad'sford upon the Brandywine, and Our brave troops obliged to leave the field entirely owing to a mistake in the intelligence received. Our Army however are in high spirits and are very desirous of having another Brush with the Enemy who by the last accounts still remain on the field. By the best accounts as yet received of the Loss sustained by us is about 400 killed & wounded and a gentleman who was lately near the field of Battle was informed by the inhabitants of that part of the Country who had viewed the Dead that there were at least three to one of the Enemy killed. It is supposed Genl. Howe will as soon as he recovers from the late fatigue; proceed to the Sweeds ford upon Schoolkiln about 16 Miles from this City, where they will meet with (as I hope) their Deserts. I have often requested that you would send me every intelligence you can meet with relative to the Southern Colonies, surely you may now and then meet with a So. Carolina paper. I must beg you will let Mrs. Harnett know when the Post sets off that I may have the pleasure of one Letter from her which I beg you will Inclose to me, let me know if you have received any intelligence of our other Brig—It is amazing to what a price every necessary & Convenience of life is arisen to— Such a still as we last purchased would now sell for £2000 this Currency—Common rum 32 shillings 6 pence per Gall. Jam. Spirits 80 shillings per gall. every other article in proportion, a Common riding horse to £150

Altho' the Enemy's Army are so very near this city, Congress have not determined to remove neither will they unless they are forced. In haste I am

Dr. Sir,

Your most obedt. Servt.

CORN HARNETT.

W. AVERY ESQR. TO THE GOVERNOR CONCERNING CHEROKEE INDIANS.

[From MS. Records in Office of Secretary of State.]

Copy of Letter to the North Carolina Agent in Cherokee Nation.
SALISBURY, 15th Sept. 1777.

SIR,

A Copy of your Letter to Col. Lanier I rec'd the 2nd Instant by the hands of Drury Goodwin, and have detained him in order that I might confer with General Rutherford. Sir, I approve of your Care in collecting & faithfulness in Transmitting so many Articles of Intelligence proper to be communicated.

His Excellency the Governor & the Council of State have not yet appointed a Time & place for holding the intended Treaty with the Middle Settlements; and I am inclined to think that it may possibly be put off, until after the meeting of the General Assembly: However, at all Events, let the appointment happen as it may, the Middle Settlements and Overhills shall have due Notice thereof.

In the Mean Time have to renew our request that some of the Chiefs, of the Overhills about 15 persous would come down to see and make a visit to our Great beloved Man and Great Council, when met at Newbern the Seat of Government in Nov. next; And that there would come down in Company with some of the Chiefs about 20 persons from the Middle Settlements & Valley. Acquaint them that this Matter of Protecting and accomodating them hath been considered and agreed upon here. The Overhills who come on this Occasion must by no Means take the Path thro' Washington District; but must by all Means, take the Path thro the Middle Settlements, and at that place join the Chiefs from there and all come together, in by Cathey Fort on the Head of the Cataba River, so as to meet at Catheys Fort on the 20th Day of October next.

Sir, you must inform the Overhills that our Great beloved Man and Great Council have long ago appointed Brigadier General Rutherford to be the Head War Capt. over all the Warriors in the West End of North Carolina, and that the said General is still in Command, and that all other war Capts. and Warriors in these parts must obey him, agreeable to the power and Instructions that he from time to time receives from the Great beloved Man and Great Council; And that General Rutherford has this Day faithfully engaged and assured me that he will have one of his most faithful & trusty War Capts. and a Friend to their People, with a Guard of good Men, at Catheys Fort on the said 20th Day of October, to protect the said Chiefs and to guard them in Safety on their way to Newbern.

A Copy of this Letter, all Except the first Paragraph thereof, please to transmit to the Middle Settlements immediately by the earliest Conveyance. From your &c.

WRIGHTSTILL AVERY.

P. S. General Rutherford will also write a Line to you with this Assurance, if your Express will stay untill he comes into Town tomorrow Morning, having rode out Home immediately after the Conference.

W. A.

N. B. General Rutherford did not write a Line as above hinted and has never sent any Talkes to the Indians this Summer. The Indians were very anxious to receive a Talk directly from the Great Beloved Man of North Carolina before they ventured themselves down into this State.

Perhaps it might have a very good Tendency to send a Talk, to them to meet them at Catheys Fort- they imagine that your Excellency has neglected them.

Yours most respectfully

W. AVERY.

To His Excellency the Governor.

General Rutherford has showed the greatest Reluctance to appoint a Commissary and not being done when I came away I do not know but he may refuse, and the Indians be under a Necessity of Returning Home directly from the Fort, for want of Provisions for their March down.

W. A.

GOV. JOSIAH MARTIN TO LORD GEO. GERMAIN.

[B. P. R. O. AM: & W. IND: VOL: 222. N°. 9.]

NEW YORK, September 15th 1777.

MY LORD,

I have the honor to inform your Lordship that two vessels have arrived here within these six weeks from North Carolina bringing besides Women and Children and some negroes Twenty Two of His Majesty's Refugee Subjects inhabitants of that Colony all Natives of Scotland except three. Among them all M^r Howard His Majesty's Chief Justice of North Carolina and a Member of the Council there is of first note and deserving my particular mention of him to your Lordship.

This Gentleman, my Lord, suffered a temporary ruin at Rhode Island for his avowed attachment to His Majesty's Government during the convulsions fomented there some years ago in the time of the stamp Act and his fortune is now wrecked a second time by his firm adherence to the same principles that have finally obliged him after much and long suffering and severest mortification to turn his back upon a Country where he could no longer exist but on the terms of abjuring his lawful sovereign, this he has done with honest indignation, My Lord, and is now here with his family which accompanied him from Carolina without provision of any kind and with means so scanty as not to suffice to preserve him long from absolute want, four years having now elapsed since the cessation of his salary from the Province of North Carolina and his pittance of seventy pounds a year from the Crown charged on Quit Rents being eight years in arrear.

It is due to justice, My Lord, that I represent M^r Howard to your Lordship as a Gentleman whose moral character, political principles and steadiness in the support of the King's Government during my administration in North Carolina entitle him to my best report and I hope, My Lord, such merit may excuse me from expressing my warmest wishes that your Lordship may be pleased to recommend him to a participation of the Royal Bounty which His Majesty has so graciously and munificently dispensed among his suffering servants and subjects in America.

M^r William Knight, Comptroller of the Customs at Port Roanoke in North Carolina, is also among the number of Refugees from

that Country and has the merit of maintaining his allegiance to His Majesty while the Collector of that Port M^r James Iredell has taken an open and eager part in rebellion. He is come hither a poor man almost destitute of the means or subsistence leaving a Wife and Children behind him the rest of the number above-mentioned are Merchants or persons in that line and mechanicks who have all the great merit of unimpeached loyalty except two a M^r George Miller and a M^r Maxwell who after having borne arms in rebellion repented, forsook the cause, refused to abjure their sovereign and are come hither to throw themselves upon His Majesty's mercy. Of the whole number there is only one native of Carolina, a young man of the name of Brice of whom I had some knowledge in that Country and who is confessed on all hands to have distinguished himself by his spirit, zeal and loyalty through the whole course of the rebellion most remarkably. This merit is of so peculiar a nature, My Lord, that I think it deserves notice and I am therefore labouring with all my little might to obtain some provision for him who is come here destitute of everything but indignation at the usurpations that have undone his Country with which his honest heart is replete.

By Captain McDonald of Kingsborough made prisoner among the Loyalists who appeared in arms in North Carolina at the beginning of the year 1776. and lately permitted by the Rebels to come hither to negotiate his exchange I learn, My Lord, that the private men taken at the time of their unfortunate dispersion were suffered by the Rebels to return to their homes on laying down their arms but the Officers are still held in captivity so that that their pay which I presume your Lordship will think them entitled to receive to the time of their release is still accumulating and I am concerned to think will amount to much more than their well intended services were worth. By the tenor of my commission, however, for raising that Body of Men no higher rank was conferred than that of Captain, the pay of which ample as it is for such persons as had that still among them, I am sorry to find has not given contentment universally, so difficult a thing is it to satisfy some men from a proneness but too common among Mankind in general to overrate their own merits and services. In my distribution of pay among those who have come within my reach I have endeavoured to do strict justice according to my engagements to them on behalf of

Government and I have transmitted to the Lords Commissioners of His Majesty's Treasury my accounts of disbursement of Publick Money which I trust will meet with their Lordship's approbation and for the future I propose to request the favour of Sir William Howe to direct that the North Carolina Provincials who are Prisoners and shall be forthcoming from time to time may be paid by the Paymaster of Provincial Forces as it will be more in the proper train and order of things and perhaps more satisfactory to the parties and it will at the same time deliver me from infinite trouble and difficulty in the transaction of a money business with which I am much unacquainted.

It has been matter of the most heartfelt concern and mortification to me my Lord to have been here so long and still to remain an idle spectator of a scene so important as this Country exhibits and so highly interesting to the honour and dignity of my Royal Master's Crown and the national character and welfare. I hope your Lordship will think that the utmost I could do on my arrival here was to offer my humble service as an individual to the Commander in Chief of His Majesty's forces, this I could not fail to do, My Lord, but no occasion has been found to employ me. Your Lordship will discern I persuade myself that I could have no chance or opportunity to raise a Corps of Provincials while the levies set on foot under the auspices of the Governor of this Province exerting the utmost zeal, application and address have filled much slower than reasonable expectation I therefore flatter myself that I shall stand acquitted before His Majesty and your Lordship of being idle through my own supineness or neglect.

Mr Stuart who will have the honour to deliver this dispatch to your Lordship is Collector of His Majesty's Customs at the Port of New London in Connecticut where he remained some time, long indeed after the usurpations of rebellion had rendered it impracticable to discharge the duties of his office, from a delicate sense of the propriety of remaining in his station until he had authority to remove from it. During his stay there his thorough zeal for his Majesty's service engaged him to apply himself with unwearied diligence to the consideration and employment of the best means for its advancement and by long residence in the Country and close observation of the turn and temper of the people he has acquired I think a perfect Knowledge of both as well as much information

of this Region and its inhabitants in general. His aimable temper and disposition joined to a discreet and prudent address and deportment had begotten a degree of respect towards him very unusual among that uncourteous Race of people, wherefore he was able to continue longer among them than perhaps any other person could have done without impeachment of his loyalty, attachment and duty to His Sovereign when service was the sole object of his stay there under every circumstance of mortification and danger that punctually surrounded him and he quitted the ground not 'til he had the fullest conviction that he could no longer possibly further it and saw jealousies kindling against him that would soon and inevitably involve himself and his family in perdition without a prospect or even chance of advantaging in the least degree the great cause of His King and Country to which the whole man and all his faculties are devoted. I have presumed, My Lord, to dwell the longer upon this Gentleman's conduct because it appears to me to have an extraordinary merit and I beg leave to add of M^r Stuart, that he is a very modest observing judicious man and of so much correctness that your Lordship I am persuaded may rely upon whatever information he may be able to give.

A M^r. James Cotton of N^o Carolina who went from home some time ago will probably have waited on your Lordship. I therefore think it proper to mention him in this place as a person who had according to my best information all the merit set forth in my Certificate that I presume he will have produced to your Lordship which in a man rather of vulgar life and character and more especially, in a native of New England I cannot but estimate very highly.

I transmit herewith to your Lordship a Copy of the law of prescription enacted by the rebel powers of N^o Carolina whose vigour hath compelled many of his Majesty's good subjects to leave that Country.

I have the honour to be with the highest respect

My Lord

Your Lordships

most obedient and

most humble servant

JO: MARTIN.

Rec: 26th November.

[B. P. R. O. AM. & W. IND. VOL. 222.]

In Gov. Martin's (N^o. 9.) of 15th Sep^{ber} 1777.

Copy of a Law of proscription, enacted by the Rebel Powers of North Carolina.

An Act for declaring what crimes and practices against the State shall be Treason and what shall be misprision of Treason and providing punishments adequate to crimes of both classes and for preventing the dangers which may arise from Persons disaffected to the State.

Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same that all and every Person and Persons (Prisoners of War excepted) now inhabiting or residing within the Limits of the State of North Carolina or who shall voluntarily come into the same hereafter to inhabit or reside do owe and shall pay allegiance to the State of North Carolina

And be it further enacted by the authority aforesaid that if any Person or Persons belonging to or residing within this State and under the Protection of its Laws shall take a Commission or Commissions from the King of Great Britain or any under his authority or other the enemies of this State or of the United States of America or shall levy War against this State of the Government thereof or knowingly or willingly shall aid or assist any enemies at open War against this State or the United States of America by joining their Armies or by enlisting or procuring or persuading others to enlist for that purpose or by furnishing such Enemies with arms, ammunition, provision or any other article for their aid or comfort, or shall form or be anywise concerned in forming any combination, plot or conspiracy, for betraying this State or the United States of America into the hands or power of any foreign enemy or shall give or send any Intelligence to the Enemies of this State for that purpose, every person so offending and being thereof legally convicted by the Evidence of two sufficient Witnesses or standing mute or peremptorily challenging more than Thirty-five Jurors in any Court of Oyer or Terminer or other Court that shall and may be established for the Trial of such offences shall be adjudged guilty of high Treason and shall suffer

death without the benefit of Clergy and his or her estate shall be forfeited to the State. Provided the Judge or Judges of the Court wherein such conviction may be shall order and appropriate so much of the Traitor's Estate as to him or them may appear sufficient for the support of his or her family.

And be it further enacted by the authority aforesaid, that if any Person or Persons within this State shall attempt to convey intelligence to the Enemies of this State or of the United States or shall publicly or deliberately speak or write against our Public defence or shall maliciously and advisedly endeavor to excite the People to resist the Government of this State or persuade them to return to a dependence on the Crown of Great Britain or shall knowingly spread false and dispiriting news or maliciously and advisedly terrify and discourage the people from enlisting into the service of the State or shall stir up or excite Tumults, disorders or Insurrections in the State or dispose the people to favour the Enemy or oppose and endeavor to prevent the measures carrying on in support of the Freedom and Independence of the said United States, Every such Person or Persons being thereof legally convicted by the Evidence of two or more credible Witnesses or other sufficient Testimony shall be adjudged guilty of Misprision of Treason and shall suffer imprisonment during the War and forfeit to the State one half of his, her or their Lands, Tenements, Goods & Chattels.

And be it further enacted by the authority aforesaid that all offences by this Act declared Misprision of Treason shall be cognizable before any Justice of the Peace of the County where the offence was committed or where the offender can be found and every Justice of the Peace within this State on complaint to him made on the Oath or Affirmation of one or more credible Person or Persons shall cause such offender to come before him and enter into a Recognizance with one or more sufficient sureties to be and appear at the next County Court of the County wherein the offence was committed and abide the Judgment of the said Court and in the mean time to be of the peace and good behaviour toward all people in the State and for want of such surety or sureties the said Justice shall and may commit such offender either to the Gaol of the County or District where the offence was committed and appoint a Guard for the safe conveying of him to such Gaol. And all persons charged on Oath or Affirmation with any

Crime or Crimes by this Act declared to be Treason against the State shall be dealt with and proceeded against in like manner as the Law directs in respect of other Capital Crimes.

And Whereas the safety of the State and the present critical situation of affairs make it necessary that all persons who owe or acknowledge allegiance or obedience to the King of Great Britain should be removed out of the State.

Be it enacted by the authority aforesaid that all the late officers of the King of Great Britain and all persons, Quakers excepted, (being subjects of the State and now living therein or who shall hereafter come to live therein) who have traded immediately to Great Britain or Ireland within ten years last past in their own Right or acted as factors, Store-Keepers or Agents here or in any of the United States of America for Merchants residing in Great Britain or Ireland shall take the following Oath of Abjuration and Allegiance or depart out of the State viz^t

"I.....will bear faithful and true Allegiance to the State of North Carolina and will to the utmost of my powers support maintain and defend the Independent Government thereof against George the third King of Great Britain and his successors and the attempts of any other Person, Prince, Power, State or Potentate who by secret Acts Treasons Conspiracies or by open Force shall attempt to subvert the same and will in every respect conduct myself as a peaceful orderly subject and that I will disclose and make known to the Governor, some member of the Council of State or some Justice of the Peace all Treasons Conspiracies and Attempts committed or intended against the state which shall come to my knowledge."

And that all Persons being Quakers and under the circumstances above mentioned shall make the following affirmation or depart out of the State. viz^t:

"I, A. B. do solemnly and sincerely declare and affirm that I will bear true Allegiance to the Independent State of North Carolina and to the Powers and Authorities which are or may be established for the good Government thereof and I do renounce any allegiance to the present King of Great Britain, his Heirs and Successors and that I will disclose and make known to the Governor, some Member of the Council of State or Justice of the Peace all Treasons Conspiracies or attempts committed or intended against the same which shall come to my knowledge."

And the said Oath or Affirmation shall be taken and subscribed in open Court in the County where the Person or Persons taking the same shall or do usually reside.

And be it further enacted by the Authority aforesaid that the County Court in each and every County and every Justice of Peace in each respective County shall have full power to issue Citations against Persons coming within the above description as officers, merchants, traders, factors; store-Keepers or Agents and to demand surety or recognizance if necessary and to require their attendance at the next ensuing Court to be held for the County and if any Person so cited (due proof being made thereof) shall fail or neglect to attend, or attending shall refuse to take the said Oath or affirmation as the case may be, then the said Court shall and may have full power and authority to order such person to depart out of this State to Europe or the West Indies within sixty days and may take Bond and Surety in the name of the Governor for the benefit of the State for faithful compliance with such order. And if any Person so ordered shall fail or neglect to depart within the limited time such Bond shall be forfeited to the State, without good and sufficient reason shown to and approved of by the Governor and Council. And the Justices or any of them in the County wherein the person so failing or neglecting to depart shall be found shall and may cause him to be apprehended and brought before the Court of the County where the Order was made and the said Court shall in such case send the person so offending as speedily, as may be, out of the State either to Europe or the West Indies at the cost and charges of such offender. Provided, nevertheless, that all and every such Person and Persons shall have liberty to sell and dispose of his or their Estate and after satisfying all just demands to export the amount in Produce (Provisions and Naval Stores excepted) and may also nominate and appoint an attorney or attorneys to sell and dispose of his or their Estate for his or their use and benefit. But in case any real Estate belonging to any such person shall remain unsold for more than three months next after the owner thereof hath departed this State the same shall be forfeited to and for the use of the public.

And be it further enacted by the authority aforesaid that if any person so departing or sent off from this State shall return to the same then such person shall be adjudged guilty of Treason against

the State and shall and may be proceeded against in like manner as is herein before directed in cases of Treason.

And be it further enacted by the authority aforesaid that each and every Justice in each respective County may cite any person or persons to appear before the County Court where such Person or Persons usually reside and take the aforesaid Oath or Affirmation and in case of non-attendance or refusal the said Court shall and may have full power to compel such Person or Persons to leave the State under the same regulations herein mentioned in other cases.

Read three times and Ratified
in General Assembly the 9th day
of May, Anno Dom. 1777.

(Signed)

SAM^l. ASHE S. Senate.

A. NASH. S. Commons.

[MINUTES OF THE COUNTY COURT OF CARTERET COUNTY.]

The last Court held in Carteret County, that recognized George the Third, met in Beaufort the 19th of March 1776

The next Court was held the 18th day of June, but George the Third is not mentioned

September 16th 1777

"This Court Taking into consideration the necessity of Supporting the Independency of this & the other United States Recommend that Each Capt of a Company, either respective Private Muster Tender to each Militia Man the oath of alegience to the State and that a Justice attend such Muster to administer the oath and Return the Names of such Persons who Refuse when called upon to Take the same to the Next Court and that each Captain be Furnished with a copy of this Recommendation by the Clerk.

December 16th 1777

The Court orders that Tho^s Weeks be sighted to Court to shew cause why he Did not Take the oath of alegience to the State as p^r. order of Court & according to law

[NORTH CAROLINA GAZETTE, SEPTEMBER, 19, 1777.]

NEW BERN, September 19, 1777.

A few days ago we received an Account from the Bar, that two English Brigs, one a very large one, the other mounting 10 or 12 Guns, were arrived within the Bar, and had taken several Vessels which lay there, particularly a large French Brig. There were many Vessels there ready to go out, but the chief of them escaped by running up into the River again. The utmost Dispatch is making here to drive these Sheep stealers from whence they came, for 'tis supposed the fat Mutton on the Banks has been the chief temptation to this desperate Manoeuvre. The Sturdy Beggar Privateer, of 14 Carriage Guns and 100 Men, the State Brig Pennsylvania Farmer, of 16 Guns and 80 Men, belonging to this Town, are preparing to sail with all Expedition, in Quest of the English Pirates.

[NORTH CAROLINA GAZETTE, SEPTEMBER 26, 1777.]

WILMINGTON, September 19, 1777.

A Report prevailed here a few days ago of the Randolph Frigate of War, belonging to the United States, having taken four Vessels, which has this morning been confirmed by a Gentleman from Charlestown, who informs, that for want of seamen, a number of Gentlemen of that place, Volunteers, and one Mr. M'Queen, with several of his Negroes, went on Board; she then proceeded to Sea, and took a large three decked ship mounting 20 Guns, and two other Vessels of 8 Guns each, from Jamaica bound to New York; their Cargoes consisted of 600 hogsheads of Rum, 800 hogsheads of Sugar, and a chest of half Johannes's supposed to belong to the Commissary, who was taken on board the Ship; the Vessels and Cargoes were computed at above One Hundred Thousand Pounds Sterling. She also retook a French Vessel laden with Salt.

GOV. CASWELL TO CAPT. JOHN NELSON OF THE CRAVEN
MILITIA.

[From Ms. Records in Office of Secretary of State.]

NEW BERN 20th Sept. 1777

SIR,

You are hereby required to raise the Company of Militia under your Command, or so many of them as you can March with the greatest expedition and most Secret Manner to Core Banks, there to repel, or do your best endeavour to repel, the enemy at or near that place, and by all means to remove the Stocks of Cattle & Sheep so as at every event to prevent their falling into the enemies hands.

You are to Ambuscade, Harrass, Distress & Destroy the enemy all in your power and when you have it not in your power to Annoy them, you are to observe their Motions & from Time to Time you are to give me Notice or in my Absence you are to Convey such Notice to Major Barron at New Bern, of the Enemies motions & your progress.

Let me entreat you to be vigilant in this Business as it imports every real Friend to his Country to exert himself upon this Occasion. You will Continue on Core Banks untill you receive further Orders from me or Other your Superior Officer.

I am Sir Your obed Servt.

R. CASWELL

GOV. CASWELL TO JOHN WILLIAMS & WILLIAM BURGESS
ESQRS.

[From MS Records in Office of Secretary of State.]

NEW BERN 20th Sept. 1777

GENTLEMEN

If the two Brigs, belonging to the Enemy, are still lying at Ocracock, it may be necessary to make some attempt to remove or secure them, which can not be effectually done without sending Armed Vessels against them in which case it will be necessary to have a sufficient number of Pilots on board of such Armed Vessels, I am therefore to request if the Brigantines are yet at the Banks or are removed higher up the Country you do immediately require ten of the Pilots, such on whose Fidelity you can depend, to pro-

ceed immediately to this place to receive such orders from me or the Commanding Officer of the Militia here, as may be given them. If you want men in their stead or any number of Men for the Security of your people or of the State or your Bank, Let me know and they shall be immediately supplied to your Assistance.

I am &c.

RICHARD CASWELL.

MR. THO. CLARKE TO HIS EXCELLENCY RICHARD CASWELL
ESQR.

[From MS. Records in Office of Secretary of State.]

BERTIE COUNTY 22nd Sept. 1777

SIR,

Inclosed are three Certificates from this County Court ordering Thomas Bog, Richard Jones and myself to Depart this State I therefore send the Bearer hereof George Chaplain to wait on your Excellency for a Pastport for Thomas Bog, Rich'd Jones & myself to go out in the Sloop Free Mason thirty Tons Burthen Thomas Bog Master which I hope your Excellency will Grant. The Vessel's Cargo Consist of Twenty Hogsheads Tobacco, Forty Barrels Flaxseed, Three thousand Staves & one Cask Beeswax.

I am Sir,

Your Excellency's most obed Hum. Servt.

THOS. CLARKE.

THOS. H. HALL TO HIS EXCELLENCY RICHARD CASWELL ESQR.

[From MS. Records Office of Secretary of State.]

23rd Sept. 1777.

MAY IT PLEASE YOUR EXCELLENCY

To forgive me the presumption for addressing you at all, and next for the Subject of that Address. Your Excellency I presume before this shall reach your Hand, will be informed, that John Lewellen was convicted on Saturday last at Edenton for the Crime of High Treason; the Intention of this is to interceed with your Excellency (if you do not think such a desire inconsistent with your Duty and Character) to respite the Execution of that unhappy deluded Man and permit an opportunity of applying to the Mercy

of the next Assembly for Pardon, its being his first Deviation from Rectitude and Virtue, and the almost exemplary fairness of his former Character and the Certainty that Disgrace and penury must remain entailed on his family consisting almost entirely of the softer Sex, and chiefly arrived to Womanhood, and the Knowledge which I and all the World have of the more than Ordinary tenderness of your Disposition are both my plea for Mercy and I hope my Excuse for this presumption; to you Sir (was I capable) of the pathetic it were needless as the Tears of the Widow and the Orphan must be to such a Head and Heart as yours the most prevailing Intercessors.

To the Criminal's former good Character I expect your Excellency will receive some Testimonials under the hand of the most considerable Men in Martin County (the place of his residence) who very earnestly wish the success of Mrs. Lewellen's Petition and she is accompanied by a Gentleman, one Mr. Mayo who will be able to inform your Excellency of the Character of the subscribers to a Label which will be delivered with the Petition.

I am your Excellency's

Most obedient Servant

THOMAS H. HALL.

AARON LAMBERT TO GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

MURRELSHELL Sept. 24th 1777

To the honorable govenor Richard Caswell of the state of north Carolina

SUR,

May it Please your excellency & the Counsel to consider that Canon balls is very much wanting in this state & there is noe one but myself that cares to Proceed on work-at that branch but my self & our Commission from the northward is in a grate measure Cut of that we Can git noe supply from them at all the grand Continantel Congress desired that all those Employed in Casting Canon shot & Employments of Iron should be discharged from Any service in the Melisha & if your Exelancy with your Counsel thinks Proper that I with my Privates should be Cleard from serving in

your melisha well if to the Presence your will shall be my Pleasure but Remember I have A Large Quantity of shot to Cast for ye former yet & other Private Merchants of this State which I cannot done without help of which I beg my Privates to be Releas from the second draft I myself from the forth & your Excellency with your Counsel may depend I will two the outer most of my end every to serve this state with as many shot as in my Power Lies & if Any home Enemies should oppose sur I am your most obedient & humble servant & yours to serve

AARON LAMBERT.

[NORTH CROLINA GAZETTE, SEPTEMBER 26, 1777.]

NEWBERN, Sept. 26. 1777.

By a gentleman just arrived from Charlestown, we are informed that one of the large three decked Ships lately carried in there by Capt. Biddle in the Randolph continental Frigate, proves to be a prize taken by Capt. Palmer in the privateer Nancy, belonging to Mr. John W. Stanley of this Town. It seems a few days after Capt. Palmer took her, a large Ship of 20 Guns from Jamaica retook her, in a Day or two after which the Randolph fell in with them both and conducted them safe to Charlestown. The Nancy has also taken a Guinea-Man with 100 Slaves, Ivory, and other Valuables, and sent her in to Georgia.

[NORTH CAROLINA GAZETTE, OCTOBER 3, 1777.]

NEWBERN, October 3, 1777

In our last, we gave an Account of the Randolph Frigate having carried a large Ship into Charles-Town, which was first taken by the Privateer Nancy, of this Port, Capt. Palmer, and afterwards re-taken by a large Ship from Jamaica, mounting 20 Guns; by Letters from Mr. Stanley's Agent in Charles-Town, the Account is confirmed; the Ship is called the Severn, mounting 10 Guns, from Jamaica to Bristol, and is valued at £40,000 Sterl. Capt. Palmer engaged and took her at the head of the Jamaica Fleet on the 4th of August last. The other Vessel taken by Capt. Palmer is a

Scow called the Invermay, from Jamaica to Pensacola, with Rum and Slaves, said to be worth £35,000 Proc. 11 Capt. Palmer conducted her into Savannah, in Georgia, himself, and is preparing for another Cruize.

[GEN. WASHINGTON'S LETTERS, BOOK 169, VOL. 4, PP. 31, 32, 33 & 38.]

Camp Near Pennibacker's Mill, Octo. 5th, 1777.

SIR :

Having received intelligence thro' two intercepted letters that Gen'l Howe had detached a part of his force for the purpose of reducing Billingsport, and the Forts on Delaware, I communicated the accounts to my General Officers, who were unanimously of opinion that a favorable opportunity offered to make an attack upon the Troops which were at and near Germantown.

* * * * *

Lord Sterling with Nash and Maxwell's Brigades was to form a Corps de reserve.

* * * * *

Upon the whole it may be said the day was rather unfortunate than injurious. We sustained no material loss of men and brought off all our Artillery. The Enemy are nothing the better by the event, and our troops, who are not in the least dispirited by it have gained what all young troops gain by being in action. We have had, however, several valuable officers killed and wounded—particularly the latter. General Nash is among the wounded and his life is despaired of.

Idem, Octo. 7th, 1777.

I beg leave to mention to Congress that there is a great deficiency of General Officers in this Army. When the detachment coming from Peekskill joins us, we shall have thirteen Brigades. These require as many Brigadiers and half as many Major Generals. Instead of these we shall have only four Major Generals and eleven Brigadiers, and the deficiency will be increased by the Death of General Nash, which from every appearance, is momentarily to be expected.

* * * * *

I have the honour to be, &c. &c.

GEORGE WASHINGTON.

Hon'ble John Hancock, Esqr., President of Congress.

DANIEL WILLIS SENR. TO GOV. CASWELL RESPECTING
ADMTN. &C.

[From MS. Records in Office of Secretary of State.]

Oct. 10th 1777.

MAY IT PLEASE YOUR EXCELLENCY

I have a small favr. to begg If your Excellency will be pleased to grant it Viz. as my Deceas'd Brother Agerton Willis gave the graitest Part of his Estate to his Molata boy Joseph and as he is a born slave & not set free Agreeable to Law my Brothers heirs are not satisfied that he shall have it. I am One of the Exectrs. and by Mr. M. Grice's Directions have the Estate in my possession as the Trustee Refused giving Security that the boy should have it when off Age If he Could Inherit it and now this seting of counsel some of them Intends to Apply for Administration as graitest Creditors. I am my Brothers heir at Law and if Administration is to be obtained I will apply myself Before the Rise of the Counsel and begg your Excellency will not grant it to any off them Untill I Come your Excellency's Compliance will graitley Oblige your most Obedient Humble Servt to Command

DAN. WILLIS, SEN.

Pray Excuse my freedm.

WM. WILKINSON ESQR. FROM HON. CORN. HARNETT.

YORK TOWN Pennsylvania Oct. 10 1777

DEAR SIR,

This makes the 11th Letter I have wrote you since I left home some on business and others with news— I have three days ago, rec'd your favours of the 4 & 11th Ulto. Poor Col Kennons family, I feel for them most sincerely. It gives me pleasure to know you have disposed of half the Concern to Gentlemen high, very high in my esteem. But you sold too cheap, such a Still as the large one, could not have been purchased in Philadelphia when I left it under £1500 this Currency—I am glad you have some Molasses to make a beginning with, your 5.000 gallons distilled with rum would fetch 60s per Gallon in this state & several others,

it is amazing to see the advanced prices on every thing in this Country. I shall enquire as to a Distiller, but you may be assured you may purchase Negroes or any other article of Commerce 150 per cent. cheaper in No. Carolina than you could in Philadelphia before Congress left it, 500 dollars for a small Mulatto boy has been lately given—As to labourers, you may surely get them either on purchase or hire 100 per cent cheaper than I can possibly procure them here. The Distiller I shall attend to & procure one if possible— I shall be very happy if Mr. Brice will undertake the transacting the whole business of the Compt.— I am really surprised Mr. Benning should bring in any other Charge for repair I can only say I will not allow one farthing more than I did at the last settlement, he told me of a small matter which he said would be about 30s or 40s. I agreed to pay that, but I cannot Consent to the doubling the rum.

I refer you to the Bearer Col. Walton for news as he has every necessary information with him. He is a Georgia Delegate returning home. I beg you will be civil to him & introduce him to all our friends. - He is a worthy man.

Mr. Quince & Mr. Ancrum never write to me, I have malice at heart against them both. I shall write to Mr. Brice fully in answer to his letters as soon as I can have it in my power to give him satisfactory Information. Tell him this. I have it not in my power to Correspond with Capt. Forster's brother or any other Gent in the Lower Counties. I would advise my friend Brice to go on with his administration in fact the people in that state are two thirds I may say $\frac{2}{3}$ Tories, I hope Mr. Forster is not one of them—.

General Washington's Army marched towards the Great City, the 8th Inst. and I suppose intends to have another brush with the Enemy—God send his success. Our Northern affairs seem to be in a good train. Genl. Burgoyne is in a very Critical Situation. Good news is hourly expected from that Quarter. Colo. Walton is just setting off.

Dr. Sir,

Your sincere friend &c. &c.

CORN. HARNETT.

EXTRACT OF A LETTER FROM A MEMBER OF CONGRESS.

DATED YORK, October 10th, 1777.

On the 4th instant, our army made a wise and well concerted attack upon the British force, encamped at and near German-Town, the enemy were surprised, forced, and actually beaten; we were in possession of their Camp, tents, artillery, &c. but they rallying to make a last effort, and our left and right columns approaching in that instant each other in their victorious progress, were, by each, mistaken for a fresh reinforcement coming up to the enemy, and instantly began to retreat, without allowing a possibility of being stopped. This was occasioned by a thick fog, and such a state of air as kept down the smoke of cannon, &c. so as to prevent the distinguishing of objects above 50 yards. Thus the enemy, though beaten, kept the field, and accident deprived us of a brilliant victory that was absolutely in our possession. Our troops however retired in order, tho' with too much precipitation, and brought off their wounded, cannon, and every thing else.

Our loss in this affair is about 700 killed, wounded, and missing; that of the enemy very considerable no doubt, as they were pushed before our army 2 miles; but this is rendered more certain by an Account brought from Philadelphia by a person who can be relied on, that left the city since the battle. He says that the enemy lost Gen. Agnew, Colonels Abercrombie, Walcott, Byrd of Virginia, and Gen. DeHeisters son killed, Gen. Kniphausen wounded in the hand, and that between 2 and 300 waggons load of wounded were brought into the city before he left it; this is confirmed by many Quakers who were at the yearly meeting, and who add, that Howe had actually sent 2000 Hessians over Schuylkil, probably to secure a retreat. He refused to let any of the Inhabitants of Philadelphia see the field of battle. On our part, General Nash is dead of his wounds, Col. Hendricks and Lieut. Col. Parker from Virginia, wounded, but not mortally; two of Gen. Sullivan's Aids mortally wounded, Col. Stone of Maryland wounded, but not mortally. We have not yet a particular list of the killed & wounded from the General. Last evening came an account to town that Capt. Barry had attacked the Frigate Delaware (lately taken from us at Philadelphia) with the Brig Andrew Doria of 14 Guns and 2 gal-

lies, and had retaken the frigate. It is fine news if it proves true. Our army is in excellent spirits, satisfied they can beat the enemy, and keen for another opportunity of trying; they will probably be indulged in a few days, as our Virginia reinforcements of 17 or 1800 have got up since the engagement.

HOWELL EDMUNDS TO GOVERNOR RICH'D CASWELL.

[From MS. Records in Office of Secretary of State.]

Oct. 10th 1777.

SIR,

At the request of the bearer I have wrote a few lines to you informing you that Benj. Clifton (who is the bearer) is appointed by the field Officers and Justices of the Co'ty of Southampton in the State of Virginia agreeable to an Act of Assembly passed in that State a regular Soldier in order to fill up their Regiments and as he is an inhabitant of our County and State of North Carolina we Conceive that they have no Right to Proceed in such a Manner and do therefore request that you' would please to remonstrate to the first Magistrate of that State against such proceedings. He has several papers to lay before your Honour on the Occasion which if you should think proper to inspect and are of Opinion he ought to be redressed hope you'l Act accordingly: I've not to add; but am your Honour's most Obedient and very Humble Servt.

HOWELL EDMUNDS.

["GEN. WASHINGTON'S LETTERS," BOOK NO. 169, VOL. 4. P. 55. SEE ALSO P. 48.]

Return of Cloathing wanting in the following Brigades of Continental Troops, Viz.

Octo. 13th, 1777.

(Extract)

| | | Coats. | Waistcoats. | Breeches. | Stockings. | Shoes. | Shirts. | Hunting Shirts. | Blankets. | Hats. | Overalls. | Knapsacks. |
|-----------------|---------------------|--------|-------------|-----------|------------|--------|---------|-----------------|-----------|-------|-----------|------------|
| North Carolina. | 1st North Carolina, | 77 | 64 | 52 | 42 | 31 | 33 | ..... | 79 | 2 | | |
| | 2nd Do. | 171 | 129 | 145 | 168 | 88 | 119 | ..... | 82 | 98 | | |
| | 3rd Do. | 25 | 55 | 72 | 88 | 46 | 66 | ..... | 81 | 50 | | |
| | 4th Do. | 59 | 54 | 120 | 118 | 62 | 83 | ..... | 99 | 54 | | |
| | 5th Do. | 32 | 89 | 188 | 179 | 165 | 114 | ..... | 151 | 96 | 62 | |
| | 6th Do. | 28 | 28 | 29 | 58 | 29 | 39 | ..... | 30 | 22 | | |
| | 7th Do. | 7 | 26 | 77 | 73 | 20 | 42 | 59 | 54 | 28 | | |
| | 8th Do. | 11 | 11 | 53 | 30 | 15 | 8 | ..... | 30 | 12 | | |
| | 9th Do. | 6 | 5 | 16 | 23 | ..... | 17 | 19 | 12 | 19 | | |

Of interest as showing the composition and condition of the N. C. Brigade in Pennsylvania shortly after the battle of Germantown, Oct. 4, '77.

Ed.

EXTRACT OF A LETTER FROM A GENERAL OFFICER.

[North Carolina Gazette October 31, 1777.]

WILLIAMSBURG, October 17.

On the 2^d of this instant the plan laid for attacking the enemy, by surprise, was put in execution yesterday the 3^d, upon the disposition following. We begun our march at six o'clock the evening before, with an intention to begin the attack at 5 next morning. Generals Sullavan's and Wayne's divisions formed the right wing, in order to attack the enemy's left; Generals Green's and Stephen's divisions to form the left wing, and attack the enemy's right; Gen. Conway's brigade to march in front of the troops that composed the right wing, and file off to attack the enemy's left flank; Gen. McDougall to march in front of the troops that composed the left wing, and to file off to attack the enemy's right flank; Generals Nash and Maxwell's Brigades to form a corps of reserve; Generals Smallwood's and Fenner's, with the Militia from Maryland and

Jersey, to attack the enemy's right wing in flank and rear; General Armstrong's militia of Pennsylvanians to attack the enemy on their left flank & rear. The proper measures, previous to this enterprise, being concerted, we marched at the time mentioned, but having 14 miles to march, did not arrive so soon as we expected, so that it was near 6 in the morning of the 3d before the attack became general. The enemy's whole force was collected. We drove them two miles with considerable loss on their side. Our loss cannot be ascertained as yet; they have made some of our men prisoners. The loss of the enemy is uncertain, but believe they have suffered much, as we passed great numbers of them slain in the field. Our Army arrived here again last night, much fatigued, having marched all night and all day without halting refreshing; and am happy to find they have no objections to another trial, which must take place soon. The enemy were posted at German-Town, and all their troops from Philadelphia were called up the evening before, which makes me think they got wind of our intentions, notwithstanding the precaution used to prevent it.

CORNELIUS HARNETT TO WILLIAM WILKINSON ESQUIRE WIL-
MINGTON NO. CAROLINA.

Favoured by Mr. Bradley

YORK PENNSYLVANIA Oct. 23rd 1777.

DEAR SIR,

A Gentleman is just arrived in Town who has been lately in Genl. Gates Camp & says he saw Gen. Burgoyne with our General. The account he brings of the Surrender of the British is as follows; that 1 Lieut. General (Burgoyne) 2 Majors General, 7 Brigadiers, 2 English & 1 Irish nobleman and a Great Number of Officers and 5000 Privates were taken together with 40 ps Brass Canon, 15,000 stand of arms a quantity of Cloathing warlike Stores Baggage &c. &c. It is however surprising that Congress has received not a Line from Genl. Gates on this important matter. Genl. Howe has removed his army into or near the city and Genl. Washington's head Quarters are at German Town— Our people have as yet kept the Command of the river by possessing the Fort & Assisted by our little fleet who have repulsed the Enemys ships

Twice a Report prevails that the Defyance & Roebuck, were terribly shattered by our Gallies a few days ago— Shew this news to Mr. Hooper & Maclain &c.— Your Letter to Mr. Mitchell I sent to him & he acknowledged to me he received it, I never could get a sight of John Daldson all the time I was in Philadelphia I believe he is ashamed to see me. The family live in the Country as also Mr. Mitchel, West, Fuller & indeed all my old acquaintances—I saw Mr. Tate about 2 weeks before I left Philadelphia he told me he had seen Jackey a short time before that in good health at Burlington the week Congress fled from the City. I intended to go to Burlington on purpose to see him— Let me know whether I am to bring him home with me in the spring— I shall take care to get him to me.

Negroes are not to be purchased at any price you would choose to give, Neither can I meet with a Distiller, all the Tradesmen except such as would not choose to remove are in the army, or employed by Congress at Excessive high wages. You had better employ a Distiller from Charles Town— I am entirely satisfied with the Sale of half the Distillery, & Mr. Brice's appointment to the management of it— I congratulate you on the success of the Comps. Vessels— You will be pleased to acquaint me who are the members Chosen for Our Counties about C. Fear & remember me kindly to all my friends. I have not time to write to any body but yourself & Mrs. Harnett— Give me the Prices current in Wilmington of Tavern Charges Market stuff & other necessities. I want to show the people here how cheap we can live in No. Carolina in propotion to the Extortion of this County— I am glad to find you have a kind of Press in Wilmington; I wish Jonathan would enlarge his paper, I really am ashamed to Shew our paper to the members of Congress. We have the Post at last established here, but no Press which prevents my sending you any News papers, I hope we shall not be long without this necessary method of Conveying intelligence I am

Dr. Sir,

Your sincere friend & Obedt. Servt.

CORN. HARNETT

William Wilkinson Esqr.

[NORTH CAROLINA GAZETTE, OCTOBER 24, 1777.]

NEWBERN, October 24th, 1777.

Since our last, Capt. Ward, of the Independent Company stationed on Core Banks, has taken a Prize Schooner called the Liverpool, commanded by Capt. Mayes, from Providence to New York, loaded with Fruit and Turtle for Lord Howe. This Vessel put into Cape Lookout Bay, under the Sanction of a Pretended Friend, but Capt. Ward's Vigilance soon discovered her to be an Enemy, and in the Night boarded her with some of his Company, and took her. She is about 30 Tons, has been fitted as a Privateer, and now mounts several Swivels, and is reported a very fast Sailer.

On Tuesday last was married, Mr. James Green, Jun. of this County, to Miss Peggy Cogdell, second Daughter of Colonel Richard Cogdell, of this Town; a most amiable and agreeable young Lady, with a considerable share of Beauty and other Accomplishments.

EDWARD HALL TO GOV. CASWELL OR IN HIS ABSENCE TO
JAMES GLASGOW ESQR.

[From MS. Records in Office of Secretary of State.]

25th day of Oct. 1777.

MAY IT PLEASE YOUR EXCELLENCY

This is to Certify that James Booth and Benjamin Booth, being appointed Executors by their Father Thomas Booth deceased in his last will and testament; but the said Thomas Booth being unacquainted with the formality required by the Law relative to witnesses, there being but one exclusive of the said James Booth and Benjamin Booth; wherefore the Court of Edgecombe County on the motion of the said Benjamin and James Booth, have granted unto them Administration on their Father's Estate the Will aforesaid to be annexed to the Letters of Administration, I having no Letters have given them this Certificate to your Excellency and am with the profoundest

Respect Sir, your Humble Servt.

EDWD. HALL C. C.

[WASHINGTON PAPERS: ARMY RETURNS VOL 40. P. 91.]

Agreeable to His Excellency's order of ye Inst the following
promotions will take place in the 3rd N°. Carolina Batt^l. Comm^d by
Col°. Jethro Sumner—

4th Oct 1777 Kedar Ballard Captⁿ In the room Capt Jacob
Turner Dec^d.

18 June John Clendenen 2^d Lieut in the room of W^m Rushworm
Resig^d.

16th Oct° Charles Coleman Quartermaster in ye room of W^m
Wilson resig^d.

4th Oct° Charles O'Neal, 2^d Lieut in the room of Capt Ballard
promoted.

JETHRO SUMNER.

[Endorsed]

Promotions in the 3^d N°. Carolina Battalion Oct^r. 29. 1777.

LTTER FROM J. JONES.

YORK 30th Oct. 1777

DR SIR

Attacks were made the 22nd inst. on Fort Mifflin and Redbank
in both of which the Enemy were repulsed. A Batterie on provi-
dence Island and two upon the Bank opposite to Fort Mifflin
thrown up to reclaim the great Marsh below providence Island
opened upon the Fort, and were supported by six Ships warped
through the Cheveaux de fries at Bellingsford Our Gallies and
armed vessels in the River assisted the Fort, and in conjunction
they kept up so effectual a Cannonade upon the Ships as to Dis-
able a 64 Gun Ship and Sloop of War a small Frigate, & and the
Enemy set them on fire before they quitted. One of the four that
retired was the Roebuck greatly damaged. Baron Donop with
1200 Men attacked Redbank and after a short Cannonade marched
up with fixed Bayonets in two Columns. They passed the abattis,
entered the ditch & some passed the picket, but were so warmly
received, they fell back & fled, leaving Bar. Donop, his Brigade
Maj., a Capt. Lieut. & upwards 70 men wounded & prisoners—1
Lieut. Colonel, 3 Capts. 4 Lieuts. & near 70 killed, near 300 mus-

kets and a considerable number cartridge Boxes &c taken—we lost one Capt. 3 Sergt 1 fife 4 privates killed—1 Ensign 5 Sergt & 23 privates wounded. The loss in yr. Vessel & Fort Mifflin very considerable.

yrs.

J. JONES.

No letters from Gates confirming the surrender of Burgoyne and his Army.

[NORTH CAROLINA GAZETTE, OCTOBER 31, 1777.]

NEW BERN, October 31, 1777.

In the late Battle of German-Town, fighting under the illustrious Washington, in the glorious Cause of freedom, the common Inheritance of Mankind, lately invaded by the bloody Legions of a most inexorable Tyrant, fell the brave, but unfortunate Brigadier General Nash. He was posted at the Head of the Troops of Reserve, when the winged Messenger of Death, a Cannon Ball, summoned him to the peaceful Regions of Bliss; it struck him on the Thigh, tore his Body in a most dreadful manner, and killed his Horse under him. Every Assistance was immediately offered, but in vain; and he now lies in the Dust, with the other worthies of America, who have fell sacrifices in the great Cause, and whose blood cries aloud to Heaven for Vengeance on the Authors of this great national Calamity. General Nash was among the first in this State who stood forth in Vindication of Injured Innocence and the rights of Humanity, and very early took the Field as Lieutenant Colonel in the first Regiment of this State, where his Superior Abilities and exalted Merit soon raised him to the Honourable Command from which he fell. Coolness and Intrepidity in the Day of Battle formed him for a Commander, and a polite, easy and complacent Behaviour, gained him great Esteem in the Army. In private Life, he was the Gentleman, the Social Companion, the Friend of Mankind. In Domestic, the most tender, affectionate, and indulgent. If his Country, Society, his Friends and Relations are deprived of so valuable a Member, how severe must be the stroke on his mournful and widowed Lady, who, with two tender Infants, the dear Pledges of their Conjugal Felicity, are left to lament his Loss in unutterable Woe. If any Alleviation can sooth

the sobbing Breast of his disconsolate Widow, it must be the great and glorious Cause in which he fell; no less than that of endeavoring to free the Land from the Depredations of bloody Tyrants, who are wasting our Country with Fire and Sword, and Spreading among us every Species of Desolation, even the brutal Violence of Female Chastity.

[NORTH CAROLINA GAZETTE, OCTOBER 31, 1777.]

On Sunday last, sailed from this Port, on an intended Voyage to Jamaica, a second Scotch Transport, having on Board a Number of Gentlemen of that Nation, particularly Mess. Archibald and John Hamilton, Gentlemen that have long resided in America, and, with great Reputation, acquired very considerable Fortunes, but are unhappily under the fatal Ministerial Delusion, which has driven such Numbers of their Countrymen away, the sure and Certain Subjugation of America by the British Troops, when they may return in Safety, and not only re-possess their own Estates, but, for their Loyalty, share among them those of their Neighbors, the rebellious Americans. As there are great Numbers of these infatuated and over-loyal People returned from America to their own Country, the Chance is much against them, that they experience a Completion of Churchill's Prophecy, before they see the triumphant Day when they may return to America in Safety.

[EXTRACT FROM THE MINUTES OF A BRIGADE COURT MARTIAL AT WHITE MARSH NOV. 1777.]

TO HIS EXCELLENCY GOV. CASWELL

Extract from the proceedings of a brigade court martial held in consequence of general orders at White Marsh Nov. 1777 Col James Hogun president; before which court Capt Thos Granbury came prisoner, being accused of "Misdemeanors unbecoming the character of an officer" Capt. Granbury denying the charge, the following evidences were sworn in court viz: Ezekiel Jones, who deposed that whilst Capt. Granbury was recruiting in North Carolina, a certain John Jones enlisted with him for the time of six months, Soon after which a certain Wm Hinton offered the pris-

oners four pounds to obtain John Jones discharge, & he believes Capt. Granbury gave Mr. Hinton an instrument in writing obliging himself not to call on said Jones as a recruit.

Q Did Capt Granbury receive the four pounds which Mr. Hinton offered?

A I cannot tell; but J Jones did work for Mr. Hinton to that amount.

Q Did J Jones ever do duty as a soldier after this? A He did not.

Q Had Jones received the bounty? A. I believe he did, I saw him sign an enlistment

Q Do you know any thing of Jacob Bagley's enlistment?

A He told me he was enlisted; and he served as a soldier till the company got to Long Bay So. Carolina, where he stopt sick, & he never joined the company again; and he told me he had given Capt. Granbury five pounds for his charge.

William Marston, who deposed that he saw & heard read a discharge signed Thos. Granbury for Jacob Bagley, who told this deponent that he gave Capt Granbury five pounds for it.

Q Was Jacob Bagley properly enlisted?

A I do not know, but he did duty as a soldier in Capt. Granbury's company, till he was left sick on our march to S^o. Carolina.

Q For what term was he enlisted? A I believe six months.

Q When was he enlisted? A I believe in May 1776

Q What do you know of John Jones being discharged?

A He told me Mr. Hinton gave capt. Granbury four pounds for his discharge.

Q Did Capt Granbury ever send for Jones or Bagley after they had got their discharges?

A John Jones told me offered to return him the four pounds telling him he must serve out his time, which Jones refused to do.

Rueben Knight who deposed that Jacob Bagley told him he had purchased his discharge from Capt. Granbury for five pounds that William Hinton told this deponent William Barlow had also got his discharge from Capt. Granbury, on condition he would attend the Mill of Mr. Granbury senior one year.

Q For what term was Mr. Barlow enlisted?

A I cannot tell. He did duty in our company till he got to Charles town South Carolina.

William Smith, who deposed that William Barlow told him, he had got his discharge from Capt Granbury, on condition he would attend Mr. Granbury's mill for one year, which condition he was then fulfilling.

Q By the prisoner. Did not W^m. Barlow agree with you to serve in his stead?

A He did not. I enlisted in my own name and for myself—Barlow was still in the service & being an acquaintance, I enlisted into that company that I might be with him.

Q By the court. Did Barlow continue at the Mill after your enlistment? A He did

Q What bounty did Capt Granbury give you?

A Twenty Dollars.

Capt. Granbury's witness being out of camp, the court adjourned till 9 O'clock to morrow morning.

Tuesday 18 Nov. 1777 The court met according to adjournment and Capt. Thomas Brickle being introduced by the prisoner was sworn and deposed that in the evening after John Jones was enlisted his brother (a boy) dropt into deponent's house a paper, in which was inclosed the three pounds that the prisoner had given Jones in part of the bounty & that John Jones absconded, that some time afterwards Jones was apprehended by another of the name of Jones, who charged for his trouble therein forty shillings, which money Joseph Granbury paid him, & as no troops were then in that part of the country he discharged Jones, on being reimbursed the forty shillings.

Q Did Mr. Josiah Granbury know John Jones had been enlisted?

A He must have heard of it but he was not present at his enlistment.

Q Was ever the prisoner in that neighborhood afterwards, or did he ever endeavour to have Jones brought up to the regt?

A He was not there for some months, and upon hearing his brother had discharged Jones, he gave him up.

Q. When the prisoner returned where was this Jones?

A In Chowan County where Capt. Granbury resides.

Q Do you know if John Jones paid a valuable consideration for his discharge & what?

A I do not know that he did—but he worked with Wm Hinton to repay the expence of apprehending him.

Q Do you know Jacob Bagley and was he a soldier ?

A I know him and know he was a soldier in Capt. Granbury's company.

Q Do you know any thing of his being discharged ?

A Capt. Granbury discharged him, because he was then sickly But he was healthy & well, when the troops marched last spring for Carolina. His being sickly induced Capt. Granbury to tell him if he could get an able bodied man in his room he would give him a discharge ; & Mr. Granbury Sen. & Barlow told me he had got one Smith to take his place. Q Do you know if Smith got the bounty of Barlow ? A I cannot tell

Q. For what time were these soldiers enlisted ?

A Agreeable to Resolve of Congress, three and one half years ?

Q When were they enlisted ? A In April or May 1776

Q When were Barlow & Bagley discharged ?

A Uncertain when, but much within a year after their enlistment. The prisoner in his defence observed to the court that the soldiers, whose depositions were taken, were offended with him for not giving them their discharges, which he refused to give, because their time was not yet expired That with respect to John Jones, he thought he might let him go, because he had not any of the country's money in his possession. A muster roll was then produced signed by Capt Granbury and dated July 23rd 1776 wherein were returned John Jones deserter, Jacob Bagley sick absent & William Barlow effective present.

The court then taking the whole matter before them into consideration, were unanimously of opinion, that Capt Thos. Granbury had discharged several soldiers contrary to 2^d art sect. 3^d of the articles of war. It was also the unanimous opinion of the court, that Capt. Thomas Granbury by thus discharging, as he thought proper, soldiers belonging to the continental army, had broke art 4th sect 12th of said articles, inasmuch as he thereby misapplied the money with which he had been entrusted for the purpose of enlisting men into the service of the United States ; therefore it is their opinion that Capt. Thomas Granbury ought, and he is hereby adjudged, to be cashiered, But as it is impossible to determine here, what sum of money he ought to refund agreeable to the last mentioned article of war ; it is the opinion of the court that the judge advocate transmit & he is hereby ordered to trans-

mit, a copy of these proceedings to the governor of No. Carolina (Capt. Gransbury's place of residence) that he may there be brought to justice.

It is farther the opinion of the court that agreeable to Act 22 Sect. 13th of the articles of war, Capt. Thomas Granbury's name, place of abode, crime and punishment, be published in the newspapers in & about camp & of that particular state, which he came from, or usually resides, after which it shall be deemed infamous for any officer to associate with him.

Copied from the minutes of the court this 18 May 1778.

JOHN DOAK TO GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

ORANGE COUNTY NOV. 1st 1777

MAY IT PLEASE YOUR EXCELLENCY

I have been a prisoner of this State these twenty months first taken by Capt. Rowan then paroled to Halifax by Colo. Martin and by Authority of the Congress of this State held there. The 2nd day of April 1776 I was ordered and signed a parole (as a prisoner of War) to the County of Orange Not one shilling of allowance have I received tho' I find that by Authority of the Hon^{bl} the Continental Congress and this State the rest of my fellow sufferers are not only sent to the northward (as I apprehend) to be ready for an exchange (should such a Circumstance happen) but have been paid up their full allowance as is Resolved by both Congresses.

I most sincerely thank the Gent. of the Congress for the indulgence they have already given me yet I am at a loss to know for what reason I am left here alone—should this present Assembly send any more Prisoners from this State I would gladly take my Chance of being exchanged and wish to be ordered to a place where some of my acquaintances may be stationed. The Assembly may be assured I will do my utmost (on my Parole without a Guard) to get to the place they may order—

I hope they will give me a little time to go to Cumberland to get in readiness.

Your Excellency will be pleased to excuse this Freedom when I

assure you that it is my hearty wish that these unhappy times may be soon brought to a Conclusion and that each Country may enjoy the liberty they have a right too and that

I am your Excellency's

Most obed Humble Servant

JOHN DOAK

WILLIAM CRAY JUN. TO GOV. RICH'D CHSWELL.

[From MS. Records in Office of Secretary of State.]

November the 1st day 1777

SIR,

Agreeable to a Commission to me directed for the district of Onslow, for Recruiting and taking up Deserters no Recruits at present But transmit you the Names of the Deserters taken that is Wm Renn Wm Hall of 1st Battalion Wm Howard, Stanet Burns, Wm Morten, Edwd. Hammonds, Marten Hammonds. Nehemiah Huggins, Henry Williamson James Ward, all of the 6th Battalion Yabrie Warters of the 8th &c. The above persons were taken and delivered to Capt Daniel Williams of the 6th Battalion
by Wm CRAY JUN.

THANKSGIVING PROCLAMATION.

IN CONGRESS Nov. 1 1777

For as much as it is the indispensable duty of all men, to adore the superintending providence of Almighty God, to acknowledge with gratitude their obligation to him for benefits received and to implore such further blessings as they stand in need of: And it having pleased him, in his abundant mercy, not only to continue to us the innumerable bounties of his common providence, but also to smile upon us in the prosecution of a just and necessary war, for the defence and establishment of our inalienable rights and liberties; particular in that he hath been pleased, in so great a measure, to prosper the means used for the support of our troops, and to crown our arms with most signal success. It is therefore recommended to the Legislative or executive powers of these States to set apart Thursday the eighteenth day of December next for solemn thanksgiving & praise; that at one time and with one voice

the good people may express the grateful feelings of their hearts & consecrate themselves to the service of their divine benefactor And that together with their sincere acknowledgements and offerings, they may join the penitent confession of their manifold sins, whereby they had forfeited every favour, and their humble & earnest supplication, that it may please God through the merits of Jesus Christ mercifully to forgive & blot them out of remembrance; that it may please him, graciously to afford his blessing on the governments of these States respectively and prosper the public council of the whole; to inspire our commanders both by land and sea & all under them with wisdom and fortitude, which may render them fit instruments, under the Providence of Almighty God, to secure for these United States the greatest of all human blessings, independence and peace. That it may please him to prosper the trade and manufactures of the people and the labour of the husbandmen, that our land may yet yield its increase: To take schools & seminaries of education so necessary for cultivating the principles of true Liberty, virtue and piety, under his nurturing hand; and to prosper the means of religion for the promotion & enlargement of that kingdom, which consisteth in "righteousness, peace and joy in the Holy Ghost."

And it is further recommended, that servile labour and such recreation as, though at other times innocent, may be unbecoming the purpose of this appointment, may be omitted on so solemn an occasion

Extract from the Minutes

CHAS. THOMSON

Sect'y.

JAS. READ TO WILLIAM WILKINSON ESQR AT WILMINGTON
NORTH CAROLINA.

Fav'd by Lient Green

DEAR SIR,

I wrote to you the latter end of August acquainting you that I delivered the Letter of Introduction you gave me to Mr. Mitchell for which I return you my sincere thanks & that I went to Burlington the 21st of that month & saw your Nephew who was in good health. I expected to have heard from you before this but in a Letter

which I lately received from my Sister I was informed you had not received my Letter. Mr. Bradley who left Camp the 20th Ult. can inform you of occurrences to that time, since that Count Donop with about fifteen hundred men was sent over the Delaware to storm Fort Mercer (this Fort is at Red Banks on the Jersey side of the River) when he arrived near the Fort he sent in a Flag ordering them to surrender or he would put them all to the sword. The Commanding Officer (Lieutenant Col. Green) sent him for answer to come on, and if he failed in the attempt he might expect retaliation; Accordingly the Count and his stormers advanced, but were soon obliged to retreat leaving near five hundred killed, wounded, & Prisoners, the Count was also wounded and fell into our hands. We had killed & wounded in the Fort about forty or fifty. Their Shipping attacked our Gallies & Floating Batteries in which they lost a sixty four Gun Ship said to be the Augusta & a six and thirty Gun Frigate said to be the Apollo both burnt. Gen. Howe and his Army still remain in Philadelphia & on short allowance. Enclosed you have a return of Gen. Burgoyne's Army made Prisoners by Gen. Gates, their Articles of Capitulation I have not been able to procure. As the Post comes regularly to Head Quarters I shall be exceedingly happy to receive a Letter from you by that conveyance.

I am Dear Sir

Your obdt & very Humble Servt.

JAS READ.

Camp near White Marsh (thirteen miles from Philadelphia)

Nov. 4th 1777

Please to remember me to my Friends & acquaintances

WILLIAM GREGORY TO GOV. CASWELL.

[From MS. Records in Office of State.]

Favored by Jona. Dunbibin, Esquire.

WILMINGTON Nov'r. 4th 1777

Ever Hon'd Sr. this comes to inform your Excellency that Abigail Gregory my wife Chuses not to Qualify as Administratrix to the Estate of her son Willm. Veale Deceased but leaves the whole to my care; I should have long before sent but as the Chiefest

part of the Estate I am to settle for is an Acct. with a person gone to Philadelphia, some Months past and is not Returned, so can not send a full Acct. of the Estate till have settled with him.

Shall be ever Obligated to your Excellency to send the letters by Mr. Jonathan Dunbibin of this place which will lay a lasting Obligation on Your Excellency's most Humble and

Obed Servant

WILLIAM GREGORY

EDWD HOWARD TO GOV. RICHARD CASWELL.

[From MS. Records in Office of Secretary of State.]

Mr. Cray is a great friend or a burning Enemy for I think he puts difficulties in my way to keep me with my family or I believe he means to Ruin me for he never did try to send me out of the State only in a open whale boat to Charles town or Georgia as I know off that we must have been some times at sea & some time within Land, which would only Expose me to the weather but Robery & felony against the States so I Refused to go as it was not to the West Indies or Europe but about the first of this month he sent me to Wilmington gaol where is a stinking loathsome place & very cold, tho' if you or he had Committed me to my own plantation I would not have disobeyed you. My proceeding after I left your house was as follows Viz. I went down to bogue on White Oak River and spoke to Mr. Steal & Capt. Gurlin both and agreed for a passage with the first that did sail, my Chest and bed & part of Clothes has been there ever since I was ordered out before so that I did not think their would have been advantage taken by the Vessels not sailing as it was not my fault & I did no harm as I know of, I would have Affirmed that I would not have wilfully done the States any harm at first if it had been allowed me but the oath that was put to me I thought I could not safely take so I beg if I have offended you will Pardon my Offence its great grief to me to leave my Wife & family I Confess, that if you will permit me the affirmation I will take that and Endeavour to Conform myself to the Laws of the States only in bearing arms & if it cannot be allowed me I desire you will send me out as speedy as may be I could I believe have gone out here if the Commitment

would have allowed it I beg you will let me go out at bogue as my things is there as Capt. Gurlin is Near sailing if you do not allow me to stay so write myself your Miserable friend

EDWARD HOWARD

November the 9th 1777

[JOURNALS OF CONGRESS, VOL. II. P. 312.]

Tuesday, November 4th, 1777.

RESOLVED, That his excellency, governor Caswell of North Carolina, be requested to erect a monument of the value of 500 dollars, at the expense of the United States, in honour of the memory of brigadier-general Francis Nash, who fell in the battle of Germantown, on the 4th day of October, 1777, bravely contending for the independence of his country.

SUPPLEMENT TO THE NORTH CAROLINA GAZETTE, NOV. 7, 1777.

NEW BERN, November 8, 1777.

Last night we received a Virginia Paper, containing a Confirmation of the most pleasing and important Account of the Surrender of General Burgoyne, with his whole Army, to Major General Gates. This is a fatal Blow, and must surely check the Pride and Vindictive Spirit of the British Court. Let every Countenance brighten, and every Heart overflow with Joy, at the important Event. It was received here with great Acclamations, the whole Town, with the Gentlemen of the Council and General Assembly, waited on his Excellency the Governor at the Palace, where many Patriotic toasts were drank under the Display of the Continental Flag, and a triple Discharge of Cannon, the Town handsomely illuminated, and the Evening concluded with a festive Joy that testified the Feelings of Americans at an Event that bids fair for their Delivery from Slavery and Persecution.

CAMP WHITEMARSH, 7th Nov^r, 1777.

Proceedings of a Board of Field Officers of the North Carolina Brigade by order of Colo. Alex. Martin Commandant in order to

recommend Officers to fill up the Vacancies occasioned by the death of Lieut. Col. Henry Irvine of the Fifth and resignation of Samuel Lockhart Lieut. Colo. of the Eighth Battⁿ.

Colo. Jethro Sumner, President.

| | | |
|--------------------------|---|----------|
| Colo. James Hogun | } | Members. |
| Lt. Col. John Patton | | |
| Arch ^d Lyttle | | |
| Major Wm. Lee Davidson | | |
| Lott Brewster | | |
| Henry Dixon | | |

The Board do recommend Major W^m Lee Davidson of the fourth Battⁿ he being Eldest Major to be promoted to the rank of Lieut. Colo. of the Fifth in the room of Lieut. Col. Irvine who fell in the battle near Germantown of the 4th of Oct^r last his Commission to bear date accordingly. Levi Dawson Major of the Fifth to the rank of Lieut. Colo. in the Eighth in the room of Lieut. Colonel Sam^l. Lockhart resigned the 19th October last his Commission to bear date from the above resignation. Captain John Armstrong of the Second Battⁿ he being eldest Captain in the Brigade to the rank of Major of the Fourth in the room of Major Davidson promoted. Also Capt. Thomas Hogg of the First Battlⁿ he being next Eldest Captain to the rank of Major of the Fifth in the room of Major Davidson promoted. The Commissions respectively to bear date from the time of the above Vacancies.

JETHRO SUMNER, Colo. P.

MAY IT PLEASE YOUR EXCELLENCY.

The within Proceedings of the Board of Officers of the N. Carolina Brigade I approve of and do recommend the Gentlemen Officers within named both for their rank & Merit, to your Excellency to fill the Vacancies aforesaid.

ALE^x MARTIN, Colo. Comd^t.

Nov. 7th, 1777.

His Excellency General Washington.

| | | |
|--|---|---------------|
| Endorsed: W ^m . Lee Davidson, Major of 4 th promoted to | } | Oct 4, 1777 |
| L ^t Col. of 5 th vice L ^t Col. Irvine slain at Germantown. | | |
| Levi Dawson, Major of D ^o Lt. Col. of 8 th vice Lockhart, | } | Oct. 19, 1777 |
| John Armstrong, Captn. in 2 ^d do. Major of 4 th vice | | |
| Davidson, - - - - - | } | Oct 4, 1777 |
| Thos. Hogg, Captn. in the 1 st D ^o Major of 5 th vice Dawson, | | |
| Promotion of Field Officers in the No. Carolina line. | | |

TO THE HONORABLE THOMAS BURKE ESQR. MEMBER OF CON-
GRESS AT HILLSBORO FROM ABNER NASH.

NEWBERN 10 1777

DEAR SIR

I rec'd your favour and shall communicate its contents to the House as soon as we make one & in case they signify a desire that you should come down sooner than you say will be convenient to you will contrive to let you know it— I make no doubt Sir after so long an absence from your family & private Business you must feel a strong desire to stay a while & I hope the Assembly will consider this circumstance and allow you to exercise your own will & discretion on this subject. We had heard fully of the affair of Germantown before I rec'd yours & also of the total reduction of Genl. Burgoyne who with his whole army arms Baggage &c has fallen into the hands of the immortal Genl. Gates on wh. I congratulate you— I thank you Sir for the honourable mention you make of my poor Brother, his fall has been a matter of great affliction to me, it is however no small consolation that he fell in the service of his Country & in the best of Causes— In hopes of seeing you as soon as is convenient I remain wt. great regard, Dr. Sir

your obedt. Servt.

A. NASH.

Writs of Election I suppose will Issue as soon as we shall have made a House on

WILLIAM WILKINSON ESQUIRE WILMINGTON NO. CAROLINA BY
POST FROM CORN. HARNETT.

YORK PENNSYLVANIA Nov. 13 1777

DR. SIR,

As Our General Assembly are now sitting in New Bern I only trouble you with a Letter to Mrs. Harnett. As for News I inclose you only the Printed papers of which I sent you a Copy before, but lest they should not have come to yr hands I send Duplicates— Genl. Washington is to be reinforced from Genl. Gate's Victorious Army, they are hourly expected to arrive at head Quarters— On

the Other hand Genl. Howe we are informed is to be reinforced from N. York, as 30 transports have sailed from Sandy Hook which are expected at Philadelphia— We still keep with our little forts and fleet, the Command of the river, it is expected another grand Push is soon to be made by the Enemy against Red Bank &c, in that Quarter all our Garrisons have been lately very strongly reinforced & should this Grand Attack take place a severe conflict must ensue, we have every thing to hope from Our Brave Officers & men in that Quarter, & I think nothing to fear. We are informed the Inhabitants of the City begin to be greatly distressed for want of the necessaries of Life, some I pity Others perhaps deserve this Calamity-- in a very short time it is hoped the Enemy will not be able to procure any supplies for their Army either by land or water— Remember me to all my Friends, you know them perhaps better than I do.

Get your Vessels out of the river in time so as to make two Voyages during the winter, the risque is allowed to be in Winter only as one to three compared with a Summer's Voyage— But these matters I leave to you Gents concerned—submitting to their judgement whither at such times as these, trade should not be pursued with Vigour & dispatch, as well as War I am with real esteem, first of all telling that Jackey is alive and well.

Dr. Sir,

Your sincere friend & obedt Servt.

CORN. HARNETT.

Should you be over burthened with money, Mrs. Harnett's receipt I hope you will Conceive equal with my own, for any sum you choose to pay her on the Copartnership account—as to Continental Currency. I would as soon have the Currency of our own Country— I can buy a bottle of wine I believe in Wilmington cheaper for our Currency, than I can here for Congress Money whoever drinks Madeiria here pay 30s per Bottle—we have no press.

COL. BEN. HARRISON TO THE HONORABLE THOMAS BURKE
MEMBER OF CONGRESS NEWBERN NORTH CAROLINA.

VIRGINIA BERKLEY Nov. 13th 1777

DEAR SIR,

Your favour of the 24th Ulto. did not reach me until a few Days

ago, owing to my being detained attending on an affectionate wife who has been some time confined by a very severe fit of illness, who I thank God is now on the recovery.

I have been informed that Mr. Ronald has been set at liberty some time by the boys of the man of war without any conditions, you may depend I shall make further enquiry into the matter; as soon as I get to Newsbury which will be early in the next week and that if my information should not prove true I will use every endeavour in my power to set him at liberty; whenever I can be of assistance to you I beg you will command me without apologizing and that you will rest assured it is the highest gratification to myself to render service to those I call my friends in which number I have long taken the Liberty to put you—Our acc'ts, from the Northward are so very uncertain that I seldom venture to communicate a thing that I hear, you must therefore expect nothing from me but what may be depended on, and therefore very little news will fall to your share, the inclosed paper from my friend Jones is all I have but as it appears to be a second attempt and made after you left it may be acceptable—Burgoyne's capitulation to Gates is come to us, and will I suppose reach you as this does, what are your sentiments on it, mine are not much in his favour, he has let slip the most glorious opp'ty, of finishing the war, and what motives Heaven alone can tell, the least that we have to expect is the surrendering Troops will fill the Places of others from England or Ireland and that these will be sent over in the spring against us, but my fears are that they will not be sent off, but that as soon as they are on ships they will come round to Howe if his Business should not be effectually done very soon. Wine is a thing you know I am very fond of, it enlivens some men and brightens their ideas, but others again it stupifies and deprives of what little sense nature has given them. I shall never be surprised at any thing I hear done by the Phalanx, but for your amusement take what is said of them by the Rev. Mr. Duché to our general in chief who in the fore part of his Letter insolently prefers him to betray his trust and make Peace with G. Britain at the head of his army whether Congress will or not, and then ask him to take a View of Congress and to tell him what can be expected of such men &c. his words of the Eastern men are these "can you find one that as a Gent. you would wish to associate with, unless the soft

and mild address of Mr. Hancock can atone for every other qualification, necessary for the station he fills. Pettifogging attorneys and men of desperate fortunes are his Colleagues." This Letter the Genl. sent to Congress and my friend Jones has transcribed a part of it and sent it to me, and I wished to have done the same for you if I was not as much tired writing as you will be of reading this cursed scroll

I am Sir

Your afft. and most obedt. Servt.

BENJ. HARRISON.

PAPER MANUFACTORY.

[North Caroliua Gazette, November 14, 1777.]

By our unhappy Contest with Great Britain, and the Necessary Restrictions on our Trade, Paper has been an Article for which we, in this State, have much suffered, for though there are many Paper Mills in the Northern Colonies, where Paper is made in great Perfection, yet, by the Interruption of the Colony Trade by Water, the Southern Colonies have experienced a very great Searcity of that necessary Article. To remedy this Evil and throw in their Mite towards the Perfection of American Manufactures, the Proprietors of a Paper Mill just erected near Hillsborough, in Orange County, give Notice to the Public, that their Mill is now ready to work, and if a sufficient Quantity of Rags can be had, they will be able to supply the State with all Sorts of Paper. They therefore request the favour of the Public, and more particularly the Mistresses of Families, and the Ladies in general, whose more peculiar Province it is, to have all their Rags and scraps of Linen of all Sorts; old Thread Stockings, Thrums from their Linen Looms, and every kind of Linen, is useful. As this Undertaking is Novel, saving of Rags may perhaps be thought too trifling, and below the Notice of the good Matrons of the State; but when they consider they are aiding and assisting in a necessary Manufacture, and when the young Ladies are assured, that by sending to the Paper Mill an old Handkerchief, no longer fit to cover their snowy Breasts, there is a Possibility of its returning to them again in the more pleasing form of a Billet Doux from their Lovers, the Proprietors flatter themselves with great Success. Per-

sons in the several Towns and Counties in the State will be appointed to receive Rags, for which a good Price will be given.

[NORTH CAROLINA GAZETTE, NOVEMBER 14, 1777.]

STATE OF NORTH CAROLINA.

By his Excellency Richard Caswell, Esq; Governor, Captain General, and Commander in Chief of the State.

A PROCLAMATION.

Whereas I have received authenticated Intelligence that General Burgoyne, and the whole Army under his Command, after repeated Losses, surrendered themselves as prisoners of War to General Gates on the Fourteenth Day of October last; To the End therefore that we may not presumptuously attribute the late signal successes gained over our Enemies to our own Strength, and thereby forget the interposition of Divine Providence in our Behalf, whose assistance we have experienced, and more especially in this Particular, wherein the Goodness of God has been so visibly demonstrated; I have thought proper, with the Advice of the Council of State, to issue this Proclamation, appointing Friday the Twenty Eighth Day of this Instant to be observed in all Churches and Congregations in this State as a Day of General and Solemn Thanksgiving, and I do strictly enjoin the several Ministers and Preachers of the Gospel to embrace this opportunity of testifying, in the most solemn Manner, those Sentiments of Gratitude which the happy Event so justly demands.

Given under my Hand, and the Seal of the State, at NewBern, the Eighth Day of November, in the Second Year of the Independence of the said State.

RICHARD CASWELL.

By his Excellency's Command.

J. GLASGOW, Secretary of the State.

[NORTH CAROLINA GAZETTE, NOVEMBER, 18, 1777.]

BATH TOWN, North Carolina, Nov. 18.

As I am left in this State on the recruiting service, and have charge of the recruiting Officers belonging to the 5th Battalion,

desire that they will meet me at William Brown's in Bath, on the 5th Day of December next, as well with the recruits and deserters as they shall have recruited and apprehended. I also order all soldiers belonging to said Battalion, those left behind sick or on furlough with the deserters to meet me at said place and day, that I may be able to make a just return of that part of our regiment left in this state.

BEN STEDMAN.

CORNELIUS HARNETT TO WILLIAM WILKINSON ESQUIRE WILMINGTON N^o. CAROLINA FAVOURED BY MR. GILLON.

YORK, PENNSYLVANIA, Nov. 19th, 1777.

DEAR SIR,

I yesterday received your favour of the 18th Ultimo. you accuse me of not writing to you, I can only say that I wrote while Congress remained in Philadelphia to my friends almost by every Post exclusive of other opportunities by private hands, I have answered your several queries by informing you that no Distiller is either to be hired or purchased on such terms as you, or the Concerned would think reasonable but really extravagant. I have told you in five or six of mine, that Jackey was well and at school at Burlington—&c If you choose me to send for him here, I will endeavour to accomplish it, as there is a good school here where he might remain until my return, & I would then bring him with me if it should be your desire. Genl. Washington's Army still remains near Philadelphia, and a large reinforcement is hourly expected from Gen. Gates. A report prevails that the Enemy have at last taken possession of Fort Mifflin (Mud Island) this is not yet confirmed but is thought probable—whether Genl. Howe will be able to hold his ground in Philadelphia this winter is still matter of doubt. Our little fleet and forts on the Delaware have behaved nobly.

Mr. Gillon the bearer of this I beg leave to introduce to your particular notice—& that you will introduce him to my other friends in Wilmington—see that his horses are taken care of &c he is a very deserving man—send the inclosed to Mrs. Harnett. I refer

you to Mr. Gillon for every other intelligence you may wish to hear, he is this moment setting off I am

Dr. Sir

Your sincere friend &c

CORN HARNETT.

William Wilkinson Esqr.

We have neither Post, or Press here therefore can send you no printed accounts, I am obliged to catch an opportunity to write to my friends. Remember me to Mr. Quince &c &c

RESOLUTIONS OF THE N. C. LEGISLATURE AS TO RESIGNATION OF OFFICERS, NOV. 20, 1777.

[From Letters to Washington, No. 19, p. 349-50.]

State of North Carolina.

In the House of Commons 20th November 1777

Whereas, In the present critical situation of the American contest, It would be dishonourable to this State, highly injurious to the Public Service, and may possibly involve ill consequences of the most serious nature to America at large, that the Officers of the Troops raised as the Quota of this State for the Continental Army should quit their posts and resign the revered offices to which they have been appointed. and the Assembly from the representation of their Delegates having reason to apprehend that many Resignations may take place unless some measures are immediately adopted to prevent the same.

This House therefore, do, in the most positive and express manner, Resolve and declare that all, and every Officer of the Troops raised in the State of North Carolina who shall, unless for good and sufficient reasons certified to the Governor, to be such by the Commander in Chief of the Continental Army, resign his Commission at this Critical period shall be held and deemed incapable of holding hereafter any office Civil or Military in the gift of this State; and it is further Resolved, that a Copy of this be forwarded by His Excellency the Governor to His Excellency General Wash-

ington, and that it also be published in the newspapers of this and the Neighboring States

A. NASH, S. C.

By Order

JOHN HUNT, C. H. C.

In the Senate November 20th 1777

Read & Concurred with

SAM^l ASHE, S. S.

Extract from the Journal

JOHN HUNT, C. H. C.

(Copy)

CORNELIUS HARNETT TO WM. WILKINSON

YORK PENNSYLVANIA Nov. 20th 1777

DEAR SIR,

I this day received your Scolding Letter of the 30th Ultio. which is the fifth I have received since I left Cape Fear, I can say with truth that I have written to you more than twice in a Month since I left home, I sent you Mrs. Harnett Mr. Hooper & Mr. MacLaine particular accounts of the Battles of Brandywine & German Town, together with every transaction since at Saratoga, North River &c. If you do not receive them I cannot help it. I am convinced letters are opened in our Post office & not suffered to pass to the Place intended, since Congress have been in this Town it has been impossible to write by Post, as it passes through at no certain day only comes in late at night & sets off early in the morning. All the members complain of this & we shall in a few days have an office in the Town. I assure you I have been obliged to catch at transient opportunities and many times wrote in such hurry that I could only write a few lines to let my friends & family know that I was well, Mr. Penn has more Leisure than I have. I never in my life went through so much fatigue, being obliged to sit all day in Congress & often very often in the Treasury board till 11 at night.

I have told you in several of my letters that nothing can be purchased here but at a most exorbitant Price, no Distiller either

white or Black to be got at any rate or indeed Victuals to eat, in this once plentiful Country. I tell you again the 9th or 10th time that Jackey was very well about a month ago. Mr. Gillon has been detained much Longer than he expected which gives me an opportunity of answering your Letter. We have indeed been very unlucky in the fighting way in this Quarter but the success of Genl. Gates has made some amends for our misfortune, here. Fort Mifflin is certainly taken by the Enemy & it is supposed they will at last get their ships up the river, some imagine by this means Genl. Howe will be enabled to keep possession of Philadelphia this winter. A large reinforcement from Gen Gates' Army will in a day or two join Genl. Washington. Perhaps we shall soon see a reverse of fortune. Genl. Howe also expects a strong reinforcement from N. York. The public have been much abused in regard to the number of Genl. Washington's army, it never exceeded 16,000 Including Militia which did him little service in either Battle, we have supposed Howe's could not consist of more than 10,000 but it is imagined by the best Judges to exceed that number now, after the great Losses they met with in the two last actions. We are generally too apt to lessen the number of the Enemies Army & Exaggerate that of our own, which is bad policy. We have no Press here I can therefore send you no papers. I wrote Mr. Hooper and Mr. Maclaine by way of New Bern a few days ago & beg you'll forward the inclosed immediately. The Indians have been of late very troublesome about the Neighbourhood of Fort Pitt, have murdered several of the Inhabitants, burnt their houses & destroyed their grain &c we hope a speedy stop will be put to their Devastations & that they will be reduced to the necessity of defending their own Towns, as the war will no doubt be carried speedily into their own Country. Congress have finished the Confederation, it will be sent by Express to the Assemblies of the several States for their Consideration. I heartily desire to be at home, & whenever I get there I shall with pleasure give up this very disagreeable & troublesome office. I have wrote my friends to beg they would send some person to relieve me. Tell Mr. Purviance I sent his letter to his brother Jno. I fear he is in New Jersey. Make my Compliments to Mr. Quince and all my friends. Mr. Hill's father died a few weeks ago in Boston. Colo. Buncombe we are told is a Prisoner in Philadelphia taken at Ger-

man Town. We hear nothing of Lieut. Col. Erwin it is supposed that he was killed in the field. They have been making rum to the Eastward out of the juice of corn stalks. I shall soon send you the whole process & am

Dr. Sir,

Your most obedt. Servt.

CORN. HARNETT

I hope this letter is long enough.

[NORTH CAROLINA GAZETTE, NOVEMBER 21, 1777.]

NEW BERN, November, 21, 1777.

On Saturday last, a sufficient numbers of the Members of Assembly appearing, they immediately proceeded on business, and are now sitting on the important Matters of the State. On Tuesday the House of Commons resolved itself into a Committee of the whole House, to consider the Expediency of Opening the Land Office, and granting the Vacant Lands in this State; when they came to a Resolution for opening the said Office and granting as well the Lands in Lord Granville's District, as those lately in the King's Part, and appointed a Committee to prepare and bring in a Bill for that purpose. We hear from the Bar, that two Vessels are arrived with Salt, and dry Goods, from old France, on Account of the Congress.

[ARMY RETURNS N^o. 15 P. 11.]

This is to Certify that Lieut John Messer has my Free Consent to Resign his Commission

JAMES HOGUN Colo.^o 7 Batt.

Novem.^r the 22 1777

 PROCEEDINGS OF THE COURT OF ENQUIRY 1777.

HEADQUARTERS 22 day Novb. 1777

A Court of Enquiry to Sit to Enquire into the Enlistment of Sundry Soldiers in the 3^d No. Carolina Batalion Who Claim Their Discharges. By Order of Colo. Jethro Sumner.

Members

Maj. Dixon President

Captains

Brinkley

Ballard

Lieuts

Wood

Linton

Yarborough

Faun

Hart

Clendinin

Thos. Bennet Being one of the Soldiers Say he was Enlisted for only one year & a half by Chamberlin Rudson who being Called On before the Court Refused to Sweare he was Sworn in for Any Limited Time, the Court is therefore of Opinion he is not Entitled to his Discharge. Benja. Bridges also Claimed his discharge but Acknowledged he took the Oath agreeable to Resolve of Congress. the Court is therefore of Opinion that he shall serve two years & Half. John Young Also Claimed his Discharge but agrees he was Sworn at the same time Bridges was Sworn and by the Same Oath, the Court is therefore of Opinion he shall serve two years & a half. Shadrick Medlen also Claimed his discharge and says he had a deposition of the man's Oath that Enlisted him and he gave it to Colo. Jethro Sumner.

Henry Wiggins also Claimed his Discharge but as Mr. Redins Enlisted him & he not Present their Cannot be anything Dun in it.

GOVERNOR CASWELL TO GENERAL WASHINGTON, TRANSMITTING RESOLUTION OF NOVEMBER 20, 1777.

(Copy)

NORTH CAROLINA 25. Nov. 1777.

SIR,

I have the honor to enclose you a Resolve of the General Assembly of this State respecting the resignation of the Officers of the Troops raised here; and to request you will be pleased in case any of the Officers who come within the meaning of the 1st resolve do resign to certify the same to me as soon as you find the same practicable.

I am, Sir, Yr Excellency's obedt
R^d. CASWELL.

Genl. Washington.

(Endorsed by one of Washington's Aides (Harrison) to the effect that it was Ansd. Nov. 25, 1777).

[NORTH CAROLINA GAZETTE, (NEW BERN) DECEMBER 5, 1777.]

D-----T, November 28, 1777.

MR. DAVIS,

The Sun's southern declination and my retired life, now and then afford a leisure hour to read or write. As our General Assembly is now sitting, would beg your indulgence of offering a few hints to their consideration, through the channel of your Gazette.

Among the many losses that attend the planter and obstruct his success perhaps none are more so than the damage done by wolves, and other noxious animals among our cattle, sheep, and hogs, and it is known that colts and horses frequently become the prey of such.

As private subscriptions made for the encouragement of the vermin-killer, are seldom half or even quarter collected and paid, few will now be induced to give up their time for the purpose upon such specious nullities. I presume that a generous encouragement given by law for destroying these devouring animals, would prove an advantage to communities of every situation and calling. I would propose not less than five or six pounds for every wolf killed, and

in proportion for panthers, wild-cats, bears, and even foxes, that destroy many of our lambs. The gratuity to be raised on the present mode of taxation according to the value of our estates.

It is my own thought which I submit to the judgment of the public, that every grown wolf does 20 or £30 damage yearly, in the compass of their range. And possibly the encouragement I would propose to give for vermin killing, would not on a medium amount to more than 8d. or 6d. or 4d. in the 100 pounds, and the object of that expence would be decreasing yearly, & before many years it would be a rare thing to hear of a wolf &c. doing damage among our settlements, and in proportion as these noxious vermin are thinned and destroyed, our cattle, sheep, and hogs, would augment, like taking the weight out of one end of the scales and laying it in the other. The increase of our live stocks, where no casualties obstructs, may be compared to compound interest, or geometrical proportion in arithmetic. Not to say much about our cattle and hogs, it is evident that our waste lands in this extensive country, is sufficient to raise and graze a hundred sheep for every single one we now have, or can have, when so liable to be destroyed by devouring animals.

[NORTH CAROLINA GAZETTE, NOVEMBER 28, 1777.]

NEWBERN, November 28, 1777.

By a Vessel in thirteen days from the West Indies to our Bar, advices are received that the sloop Lydia Capt. Appleton, of 12 carriage guns and 50 men, fitted out by Mr. John W. Stanly of this Town, had taken and carried into Guadaloupe, a large Ship with Slaves and other valuable Articles from the Coast of Africa, which are now selling and said to be worth between Twenty and Thirty thousand Pounds.

HON. CORNELIUS HARNETT TO WM. WILKINSON.

YORK, PENNSYLVANIA, Nov. 30th, 1777.

DEAR SIR,

Since my last by Mr. Gillon who has been detained much longer than was expected I have very little to add except an authentic

account from Genl. Gates of the Enemy's evacuating Ticonderoga and all their ports in that Quarter, they burnt all their buildings & threw such of the Cannon as they could not Carry off into the Lake—Genl. Green with about 5000 of the American Troops on Monday the 24th Instant, we are informed, had a smart engagement with about the same number of British on the Jersey side. Congress have as yet received no certain Intelligence of the event. We comfort ourselves with knowing that had our army been defeated we should have heard it before now— Genl. Howe we are informed has got one 40 gun ship & several Transports up to Philadelphia as there is now nothing on the River to oppose them. Some of our Gallies, & other armed vessels have got up the river above the City, such as they could not get up were burnt, the Loss of their vessels is to be inquired into.

We are not without hopes of dislodging Gen. Howe from Philadelphia this winter notwithstanding the series of misfortunes & disappointments which have attended our army in this Quarter. One bold push may yet retrieve all. Gen. Howe is apprehensive of this & is guarding all in his power against it. Could this army be defeated, America is safe; Our whole collective strength ought to be employed to effect this grand purpose. By the next Opportunity I shall send you the articles of confederation; they are at last completed after being under the consideration of Congress for almost two Years; This has been the most difficult piece of Business that ever was undertaken by any public Body, it is the best Confederacy that could be formed especially when we consider the number of states, their different Interests, Customs &c. &c. The mode of settling the quota of Taxes to be paid towards the Common expense is at last fixed by the value of all Land held under Patent or Deed in each state. The Eastern people were much against this, knowing their Lands to be very valuable, they were for settling the quota by the number of Inhabitants including slaves, this would have ruined Poor North Carolina, she has as many Inhabitants as Connecticut (almost) tho' the Land in that state would sell for five times as much as the Lands in ours.

I have wrote to Mr. John Mitchel to send Jackey to me, there is a good school in this Town & I can have him under my own eye & will (please God I live) bring him home with me. If Mr. Mitchel should not be able to effect this, I shall send for him.

Let me know how our Copartnership busines goes on. I shall, I am afraid, have Occasion of a Bill for 2 or 300£ I wish you would have one in readines in case I send for it. Ask Mr. Brice whither he could (or Tom Craike) undertake to purchase a large Quantity of Pork this Season. I wish I could know what number of barrels could be procured this winter in our State & at what price. Tell these two Youngsters they are sad fellows not to write to me. Remember me kindly to all my friends, you know them better than I do. I expect you always to shew my Scrawls to Mr. Quince, otherwise I should steal an hour from business to write to him.

I am with esteem Dr. Sir,

Your sincere friend & obedt. Servt.

CORN. HARNETT.

William Wilkinson Esqr.

I have wrote Mr. Fred Jones Sen. 2 Letters relative to a Bill he sent by me, & have received no answer. Perhaps he has not received them. Tell him Mr. Shoemaker declined receiving the money. I have it now in a bundle sealed up & will send it to him if he desires it, or you may pay it to him there as he chooses. Mr. Shoemaker remains in Philadelphia, perhaps I may have the pleasure of seeing him there before the winter is over. I wish you would be so kind as to write to him on this subject—with the news such as it is.

[NORTH CAROLINA GAZETTE, DECEMBER 5, 1777.]

NEWBERN, December 1st, 1777.

To the end that deserters may have an opportunity of availing themselves of the pardon offered by the above proclamation, and for the more speedy and effectual apprehending and bringing to condign punishment, all those who are lost to every sense of honor, I have been ordered into this State for the express purpose of apprehending and receiving all deserted soldiers, and that none may hereafter plead ignorance, I hereby give notice that every deserted soldier from the continental troops, who shall surrender himself to me at Kingston, in Dobbs County, or any officer under my Command, before the first day of January next, will be entitled to pardon. And I do promise a reward of ten Dollars for each

deserter who shall be delivered to me at Kingston aforesaid, or to any officer under my command, after that time.

WILLIAM CASWELL,
Capt. 5th N. Carolina Battalion.

JOHN BEASLY TO RICH'D CASWELL.

[From MS. Records in Office of Secretary of State.]

2nd Dec. 1777

SIR,

The distressed circumstances of Mary Lewellen, Wife of the poor unhappy John Lewellen now under the sentence of death in Edenton Gaol induces me to write your Excellency. I am so unhappy to have nothing to plead in his behalf but Mercy which as it is a darling attribute of the deity hope it will prevail, this much I can say that when he had an opportunity to escape out of Edenton Gaol he did not

I am your Excellency's most obed Humble Servt.

JOHN B. BEASLY.

DAN LEGGETT TO GOV. CASWELL.

[From MS. Records in Office of Secretary of State.]

These with speed

This Letter was found on the Publick Road and sent on by Thos. Respass Jun.

December 4th 1777

May it please your Most Noble Excellency & your Noble Council. Tho' I Dare Not Approach you in Person Nor Dare I Do it with these inconsiderate Lines without Shame & Confusion of face. But Relying upon your Mercy & goodness I Send this paper as an humble advocate to plead in Some Measure that So it May abate the Severity of your Just Displeasure. & Appease that Stroke of Justice that I have incurd upon Myself by My horrid transgression & folly that I have unadvisedly fell into. Wherefore if A Returning prodigal a true and unfeigned penitent May find Mercy in those Circumstances I unfeignedly beg it at your hands. I hope it may please you for your honnours Sakes & for the Sake of him

that hath promised A blessedness to the Merciful to Look in a way of pity upon one that earnestly Desires Nothing More then to be Number'd with your Subjects though Unworthy at present. I hope to find all My Superiors to Whom I think Myself happy that I have to address My Self to in this Manner, to be endued with So Much Compasion & tenderness to forgive One that is truly Sensible & penitent that I can but think My Self happy upon every Remembrance of the same & Not Willing to Affect one that is Convicted in his own Conscience. Wherefore if Should please your Excellency & to whom I have to petition to Grant Me My Liberty & the opertunity to Make manifest What I have promised by a Ready Compliance to your Laws & Commands I Should think My Self happy Nevertheless in All things Submitting to your Excellency's Disposal I Must remain as I have Made my self miserable without your Assistance Which I rely upon your excellencys honour for in requital of which I promise to Spend the remaining part of my time in obedants to your Commands it being all that I am able to offer with My prayers & supplication to God for your Success & happy Continuance if it Does Not please your excellency to Admit of My being altogether at Liberty I should be very thankful to be admitted to Bale until the Cart ensuing at Edenton the winter being very cold & I being Distitute of My Necessarys that My Life Depends upon your honour I hope that what I was put in for Last was Not unbaleable tho' indeed it is too bad I having but Little to Say for My self More then I was Not in this unhappy affair at the first till I was seduced by others & never being acquainted with the general plan at all was Set on to Do More than I hope I shall ever be guilty of any more if it should please your honour to Let this Pass But Use all Means that in My power to Supress all that should in any ways endeavour to hurt the present Government. Wherefore if it should be to my opertunity & I should be any ways faulty to my promise I would Submit to the Most strictest that Malice Could inflict therefore with all Submission I beg you would determine & Despose of me as you see Convenient, in expectation, of which I Remain Sir, Most unwortheft of your Subjects

DANIEL LEGETT.

HON. CORNELIUS HARNETT TO WM. WILKINSON.

YORK, PENNSYLVANIA, Dec. 8th 1777.

DEAR SIR,

I received your favour of the 6th Ultimo, several of those of the dates you mentioned I never received neither do I think I ever shall—several of the Deputies of the Post Office it is believed most scandalously abuse their Trust, and I am certain many letters directed to me, together with such as I write Free upon, are detained by the way, the Members of Congress complain generally of this villanous Practice.

Inclosed is a Hand Bill printed by order of Congress relative to the late Convention at Saratoga, this only came to Congress three days ago—as we have had no press here until within these few days & no Gazette as yet published. I shall send you the first.

I am sorry you purchased Col. Kennon's Bills, as I am afraid you will be puzzled to get the money, nothing but the Governor of S^c. Carolina's Letters of Credit can save you unless Mr. Kennon's Executors first settle all his accounts with the public. I would advise you immediately to send them on for acceptance & payment—I am obliged to you for the Wilm'ton papers pray oblige me with them as they follow in course or desire Jon. Dunbibin to inclose them to me, I want them all—However to keep you no longer in suspense, I must endeavor to muster up some news for you. You will be pleased first to observe that Congress knows no more of the intentions of the Army than you do, until some event or other takes place, Congress have very wisely determined to put it in Gen^l Washington's power to keep his own secrets. A Committee of Congress now at Head Quarters have however Informed us that on Saturday the 6th Instant the two Armies were in sight of each other, the Enemy at Chesnut Hill & Our Army at White Marsh, that early in the morning a Schyrmish happened between a Party of our Militia & and an advanced party of the Enemy,—we lost Gen^l.Erwin taken Prisoner 1 Capt. killed & 3 or 4 Privates wounded, the Loss of the Enemy in killed and wounded not known, but that we took between 20 and 30 Prisoners— A General Engagement was hourly expected, the fate of which will I suppose put an end to this Campaign. Our Army were in the highest

Spirits & wishing to attack the Enemy—should we be successful in defeating the Enemy, Our Troubles in America on Terra Firma will soon be at an end. But should we be unsuccessful we must be under the necessity of Exerting ourselves to the utmost the next summer. Virginia have however Voted a reinforcement of 5,000 Militia to be sent forward immediately in Case of accidents. Alas: we have few Virginias in the Union. As for Pennsylvania, she is rotten to the very heart, if she is saved, it will not be by her own exertions— I hope the Assembly will open your Courts for the recovery of Debts, That you will immediately begin to lay Taxes as other states have done, that you will call in all the Currency emitted under the authority of the King of G. Britain &c &c these are matters of the utmost Consequence, & Strenuously recommended by Congress to the several states. Our very Existence as a free People depends on Vigorous measures immediately to be adopted.

I wrote Mr. Clayton a few days ago, should you see him you may shew him this incorrect Scrawl & tell him he has no right to expect another line from me until I receive another kind of Letter than such as he wrote me by the Marquis LaFayette. As you desire me to write you a great deal of news, I have some times an Inclination to invent some thing very extraordinary, but this matter I shall Consider of; and remain with my respectful Compliments to Mr. Quince & all my friends.

Dr. Sir

Your sincere friend & obedt. Servt.

CORN. HARNETT.

Should we beat the Enemy you may be assured of receiving the earliest intelligence.

CORN. HARNETT TO WILLIAM WILKINSON ESQR. WILMINGTON
NO. CAROLINA.

Favoured by Mr. Cochran

YORK PENNSYLVANIA Dec 12 1777

DEAR SIR

I wrote you a few days ago by Post since which I rec'd your favour of the 11th Ult. Genl. Howe marched out of Philadelphia

on Friday last with his whole force with the intention as was imagined to attack Genl. Washington in his lines at White Marsh, the two Armies remained in sight of each other until Sunday the 7th. Our Militia under the Command of Genl. Potter Schyrmished with them, & in the evening Colo. Morgan with his Rifle Men had a severe action with the Enemy's right wing, or rather a part of it, the report is that they lost a great many men killed, upwards of an hundred. Our loss but trifling we drove the Enemy and kept the ground. Genl. Howe filed off his Army in three Columns, & is returned to Philadelphia, & has thus prevented the drubbing you wish for. Jackey remains still at Burlington & is well, it is impossible for me to see him there, but I have wrote Mr. Mitchel to let him come to me; there is a very good school in this Town, where I could have him under my own eye, and could bring him home to you in the Spring, or let him remain in this Country, as time and Circumstances might admit. Genl. McIntosh only stayed a Day here & proceeded this morning to Head Quarters. Whether the Enemy will keep possession of the City this winter I know not, but should they remain there, they will I think have a very uneasy time of it.

I am sorry to find the Prices of every thing with you so very high, the vilanous practice of raising the price of all the Necessaries & Conveniences of life is spreading all over the Continent. I hope the several Legislatures of the States, will immediately pass Laws to prevent this growing evil, America has more to apprehend from the Consequences of this Avaritious Spirit, than from two such Armies as Genl. Howes. I find in the Wilmington papers an extract from one of my Letters; what I write my friends in hurry is not intended for the Press, I hope they will in future, should they think proper to publish any intelligence I may send, to do it at least by way of Extract from a Letter received from a Gent at York to his friend in Wilmington. Many Resolutions and recommendation of Congress have been lately sent to the Legislatures of the several States, which will I think (if attended to) answer many very Salutary purposes. Mr. ——— called on me this morning about 8 o'clock & sets off early in the morning, I have been obliged to attend the Treasury board, & could not sit down to write before 10. I have not time to mention several matters to you, which I must defer for the present. But remember your Bills

drawn by Kennon Ought to be immediately to be forwarded, I am sorry you did not take our Treasurers, insted of them, exchange them if you can for such. It ran in my mind that our Election was to have been in the Fall, but I find it is to be in the Spring we have as yet no news paper here, which is unpardonable. Give my Compts. to Phillis & tell her her Mother I could not get a sight of, it was long before I could hear of her, and just as I had got into a train of finding her we were obliged precipitately to retreat from Philadelphia. Should Genl. Howe remove, I will still find her out. Write me I desire by every Post I am

Dr. Sir

Your Afft. & Obedt Servt

CORN. HARNETT

My Compts to Miss Quina Ancrum, Clayton, Brice, Craike, &c

CORN. HARNETT TO WILLIAM WILKINSON ESQR. WILLMINGTON
NO. CAROLINA.

By Post.

YORK PENNSYLVANIA, Dec. 16th, 1777.

DEAR SIR:

I wrote you a few days ago in answer to your favour of the 11th Ulto. You are Constantly plaguing me for news, & I can hardly ever meet with any thing Interesting to Communicate. The Campaign has been very inactive, ever since Genl. Howe took possession of Philadelphia. However he made a movement on the 6th before day, with almost his whole force, leaving only a few men behind, & appeared in Battle array before our Army at about a Miles distance, Expecting to find them unprepared, in this he was mistaken. Some small Schyrmishing ensued in which the British Troops suffered more than ours, Genl. Erwin attacked their light Troops with some of our Militia, we took about some 20 prisoners & lost about ten or 12 killed & wounded, the General was among the Latter & taken prisoner by the Enemy. Colo. Morgan had a very severe conflict with another party, this Gent. Commands the Virginia and Pennsylvania Riflemen he lost about 26 also killed and wounded. The Enemy's loss must have been very Considerable, as those troops are excellent marksmen, a Deserter says 500. Gen. Howe after Manoeuvring for several days, kept up a shew of his

light Troops in Front, marched off the remainder of his Army to Philadelphia, the light troops following precipitately, and altho' a party of our light Infantry pursued, as soon as the intention of the Enemy was known, they could not overtake them until they had reached their lines— 95 Prisoners came to this Town the night before last they will be to-morrow sent to Virginia. Genl. Howe Ravages & destroys wherever he comes, German Town we are informed was pillaged in a most shameful manner, many of the fine houses near the City have been plundered and burnt, in short as far as they can reach they spread Devastation around them among Whigs & Tories indiscriminately. Heaven will in its own good time I hope punish those Butchers & Murderers, there must certainly be some chosen Curse laid up in store for them. We hear that a large body of the Enemy have been since over the Schuylkill to plunder the inhabitants, Genl. Potter who commanded a body of the Militia on that side has had an Action with them; he took some Prisoners with the loss of as many or more of our men, the particulars of this affair are not as yet come from authority.

I have not yet received an answer from Mr. Mitchel about Jackey— unless you soon Contradict it I shall have him with me.

I remain, Dr. Sir,

Your sinre friend & obedt. Servt.

CORN. HARNETT.

My Compts. to Mr. Quince & all my friends.

W. Wilkinson Esqr.

[NORTH CAROLINA GAZETTE, DECEMBER 12, 1777.]

NEWBERN, December, 12, 1777.

Since our last arrived here the Brig Edwards, Capt. Pindar, from New York, in whom came Passengers, Mr. Samuel. Cornell, late one of the King's Council of this Province, and Mr. John London. These Gentlemen have been for some time at New York, and on their arrival have acquainted his Excellency the Governor that they came with a Flag of Truce from the Commander in Chief at New York, in order to settle their private Business in this State. But as the Legality of a Flag of this Nature was called in Question, the Matter was laid before the General Assembly now sitting here; but we dont hear what Proceedings have

yet been had thereon. In the mean Time, Mr. Cornell and Mr. London, with the Capt. and Crew of this Vessel are detained on board.

By this Vessel we have a Number of curious Papers, both English and New York. The Printer of the London Gazette, since the American War, has been thought the greatest Liar on Earth, but Messrs Hugh Gaines and James Rivington, of New York, Printers, far exceed their more respectable Brethren in England, in this curious Art. It is pleasant enough to read in their papers pompous accounts of the defeats of the American Armies, particularly General Gate's. of the distractions of our Councils, Gen. Washington's Disgrace, Lord Howe's destroying our forces of the Delaware, and many other such pleasing tales. But behold, O, Britain: the Glory of your once invincible Arms tarnished— and your Sons, from a Race of warriors, descended to a Race of Liars, and pensioned Sycophants. Gen. Burgoyne's Captivity, with the Flower of the British Troops, will teach you this Lesson; and the heavy Cloud which seems at present to hover round your little Kingdom, will direct the Steps of the honest part of your Nation to the glorious Brightness of the western World, where Liberty, Peace, and Plenty will be found, when servile Vassalage and gloomy Baseness shall have over spread your Land.

On Tuesday last was married, Mr. Waitstill Avery, of Mecklinburg County, to Mrs. Francks, widow of the late Mr. Edward Francks of this County.

[NORTH CAROLINA GAZETTE DECEMBER 12, 1777.]

HERTFORD COUNTY, Dec. 1st.

Sixty Dollars Reward.

For apprehending five deserters belonging to the 2^d. North Carolina battalion of continental troops, viz. Roger Murphy, who passed for an Englishman, about 35 years of age five feet six or seven inches high, a thick and well made person, short lightest hair. Lewis Simons a French-man about five feet seven inches high. John Laplanty a French-man, five feet 9 inches high, pretty thick and well made, light hair. John Baptice Fromentier a French-man, speaks pretty good English, about five feet five inches high, twenty three years of age, slim made, of a swarthy

complexion, long dark hair. Whoever delivers the said deserters to me, or secures them in any Gaol in this State so that they may join their respective battalion. shall have the above reward of twelve dollars each.

SAM. JONES.

[ARMY RETURNS No. 100, p. 162.]

A Return of the No. Carolina Brigade Commanded by Gen^l M^cIntosh, Decemb^r 20th 1777.

| Battalions. | Colonels. | Commissioned Officers Present | | | | | | | | | | | Non-Com'd | Rank and File. | | | | | | | | | | |
|-------------|-------------|-------------------------------|--------------|---------------|----------|-------------------|---------|-----------|-----------|-----------|------------|---------|-----------|----------------|--------|------------------|--------------|------------------|------------|-------------|--------------------------------|-------|----------------|-------|
| | | Field Offic's | | Com'd Offic's | | Of Staff Officers | | | | | | | Sergeants | Drummers | Fifers | Present f'r d'ty | Sick present | Sick in hospital | On Command | On Furlough | Unit for duty for want of cl'g | Total | Total Strength | |
| | | Colonels | Lt.-Colonels | Majors | Captains | Lieutenants | Ensigns | Chaplains | Adjutants | Qr Master | Pay Master | Surgeon | | | | | | | | | | | | Mates |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| 1st | Clark's | 1 | 1 | 1 | 4 | 11 | 1 | 1 | 1 | 1 | 1 | 1 | 8 | 8 | 5 | 41 | 6 | 13 | 19 | 18 | 97 | 140 | | |
| 2d | Patten's | 1 | 1 | 1 | 6 | 10 | 1 | 1 | 1 | 1 | 1 | 1 | 17 | 11 | 6 | 118 | 10 | 27 | 15 | ... | 170 | 226 | | |
| 3d | Sumner's | 1 | 1 | 1 | 4 | 8 | 1 | 1 | 1 | 1 | 1 | 1 | 15 | 5 | 5 | 60 | 10 | 9 | 22 | ... | 101 | 143 | | |
| 4th | Polk's | 1 | 1 | 1 | 3 | 8 | 3 | 1 | 1 | 1 | 1 | 1 | 17 | 6 | 3 | 57 | 9 | 36 | 14 | 7 | 26 | 149 | | |
| 5th | Buncomb's | 1 | 1 | 1 | 5 | 10 | 3 | 1 | 1 | 1 | 1 | 1 | 11 | 4 | 2 | 46 | 14 | 67 | 18 | ... | 64 | 209 | | |
| 6th | Lamb's | 1 | 1 | 1 | 4 | 5 | 4 | 1 | 1 | 1 | 1 | 1 | 12 | 5 | 3 | 45 | 7 | 42 | 25 | ... | 22 | 141 | | |
| 7th | Hogun's | 1 | 1 | 1 | 1 | 6 | ... | 1 | 1 | 1 | 1 | 1 | 10 | 4 | 2 | 24 | 4 | 24 | ... | ... | 27 | 79 | | |
| 8th | Armstrong's | 1 | 1 | 1 | 5 | 9 | ... | 1 | 1 | 1 | 1 | 1 | 21 | 1 | 34 | 4 | ... | ... | ... | ... | 60 | 79 | | |
| 9th | Williams's | ... | 1 | ... | 3 | 3 | ... | 1 | 1 | 1 | ... | ... | 2 | 2 | 12 | 2 | ... | ... | ... | ... | 45 | 65 | | |
| | | 5 | 7 | 4 | 32 | 70 | 14 | 3 | 9 | 8 | 6 | 5 | 98 | 39 | 27 | 434 | 63 | 264 | 119 | 7 | 164 | 1051 | 1384 | |

[NORTH CAROLINA GAZETTE, DECEMBER 26, 1777.]

NEWBERN, December 20, 1777.

Whereas it hath pleased his Excellency Richard Caswell Esq. Governor, &c. of this State, to order a Court of Enquiry to be held by the continental Officers under my Command, to take into Consideration the Petition of sundry Persons, who are or were Soldiers in the continental Army raised in this State, and suggest they have served the Time for which they were inlisted, and from whom Discharges are withheld: Therefore I hereby desire all Officers now within this State, that are on the continental Establishment, to meet me at New Bern the 7th of January next, to hold the aforementioned Court; at which place all those who think they are entitled to Discharges, are also desired to attend.

JOHN LUTTRELL.

December 20, 1777.

[NORTH CAROLINA GAZETTE, DECEMBER 26, 1777.]

NEW BERN 24, December.

By virtue of a resolve made at Newbern by the Assembly at their 1st session, will be sold by public vendue, at Wilmington the 17th February next.

The armed Brigantine Washington, with her guns, stores, tackle, apparel and furniture. The terms of sale will be prompt payment, and the property not to be altered till the money is paid. She is a fast sailer, well calculated for a privateer or merchant vessel, and well found. An inventory will be produced on the day of sale.

WILLIAM HOOPER }
HEN. TOOMER } Commissioners.

[NORTH CAROLINA GAZETTE, DECEMBER 26, 1777.]

NEWBERN, December, 26.

On Wednesday last the General Assembly of this State, finished the Business of the Session; having passed 48 Bills, many of them of great Consequence, particularly a Bill for establishing Courts of Law, and a bill for opening the Land Office, and granting the vacant Lands in the State. After which the two Houses adjourned till the first Monday in April next, then to be held at the Palace in New Bern. The Honourable Samuel Ashe, Samuel Spencer, and James Iredell, Esqrs. are appointed Judges of the Superior Courts of this District, and Waitstill Avery, Esqr. is appointed Attorney General for the State.

HON. CORN. HARNETT TO W. WILKINSON ESQR.

YORK PENNSYLVANIA Dec 28th 1777

DEAR SIR,

Your favour of the 25th Ult. come to my hand this moment. I am sorry to hear of the death of our friends Mabson, Waldron & Cray. I have not received one line from Hooper or MacLain God knows when, I beg you will make Interest with one or both of them to write to me. God send our Assembly may have wisdom

enough to fortify their Seaports, this policy has been adopted by every State in the Union except No. Carolina, the ridiculous jealousy betwixt No. & South has, I fear hitherto prevented it, had this been done two years sooner, Our State would have been as well Supplied with Necessaries from abroad as Charles Town, which of late has been the great mart for the supply of the Southern and Middle States. I send you papers & refer you to them for news. I beg you will not publish any of my Scrawls they are not written for the press—besides I some times mention to you some matters which are not proper to lay before the Public; since I have seen extracts from my letters published in the Wilmington paper; It has made me very Cautious in giving my Opinion to my friends under my hand.

Our Grand Army are in hutts for the winter about 20 Miles from Philadelphia in Order to Cover the Country from the Ravages & devastation of the Enemy. It is hoped we shall be able to open the Campaign early in the spring with Vigour; should the several States exert themselves to fill up their Batalions, we promise ourselves to have a formidable Army in the field well provided & well dissiplined. I wrote you some time ago that I was sorry you had meddled with Kennon's Bills, you had better send them on, the longer they remain behind, the greater will be the difficulty in receiving payment. I would not at present choose to put my money to Interest. Mrs. Harnetts receipt shall be sufficient for any sum not exceeding my proportion which you may think proper to pay her. I have not heard from Mr. Mitchell about Jackey, I desired he would send him to me, or let me know where I could send for him, I am sure he will not be safe at Burlington this winter, I must have him with me unless you contradict it in your next. His bord and schooling will be expensive to you any where in this Country, I think you had better let him come home with me in the Spring. I desire that you will be explicit on this subject. I find you make a poor hand in the rum way. Jamacia Spirits sell here at 80s, brown sugar 10s, Coffee 12s-6, Lo. Sugar 22s-6. I shall take it as a favour if you will send me by the first waggon coming to this Town—12 gallons Jam. rum 1 Loaf Sugar 12 lb brown & 12 lb Coffee, these articles would be a very great acquisition, the sugar and Coffee Mrs. Harnett will supply you with. Perhaps Col. Long can put you in the way to send these articles forward,

or some Colonel or other Officer in the Army; as recruits will no doubt be coming forward daily, pray do not neglect this matter. Tell Mrs. Harnett (for I forgot to mention it to her) that 2 or three Gallons of Pickled Oysters would be the greatest rarity she could send me I have not tasted one since I left home—also a few dried fish of any kind a dozen or two, if they even stank, they would be pleasing, I am heartily tired of eating the flesh of four footed animals, we can get very little else in this plentiful Country that you have so often praised & indeed bragged off. Believe me it is the most inhospitable scandalous place I ever was in. If I once more can return to my family all the Devils in Hell shall not separate us. The honor of being once a member of Congress is sufficient for me, I acknowledge it is the highest honor a free state can bestow on one of its members. I shall be careful to ask for nothing more, but will sit down under my own vine & my own Fig tree (for I have them both) at Poplar Grove where none shall make me afraid except the boats of the British Cruisers. I wish you the Compliments of the Season. Remember me particularly to all my friends, I have many left yet in my old age, tho' perhaps very few in my own Town, I love them notwithstanding, as well as ever; & may perhaps (in the Course of God's Providence) have it in my power to convince them that I deserve their Confidence. I do not blame them for their neglect of me, it proceeded from that noble independent Spirit, I have for so many years been Contending for, at the risque of my own domestic ease, my private fortune, and what is much more valuable my health. What I have said is not intended to be shewn to any person. It is not my wish to remind any person of matters which have been long since done away. I am wt. sincere regard

Dear Sir

Your real friend & Obedt Servt.

CORN. HARNETT

What is become of Capt. Allen—you have blamed me for writing you short Letters, this I hope is long enough, if not, let me know: I have from this reproof of yours been led to mention old affairs only to endeavour to fill up the sheet.

[ARMY RETURNS, N° 15, P. 13.]

CAMP AT THE VALLEY FORGE,

Dec^r 28, 1777.

This is to Certify That I do not Know that Capt. Thomas Granbery of the third North Carolina Regiment is Indebted to the said Regiment or to the United States.

HENRY DIXON,
Maj^r 3^d N. C. Reg^m.

EXTRACT FROM A REVOLUTIONARY JOURNAL BY HUGH
MCDONALD.

[From the Universitv Magazine.]

MESSRS. EDITORS :

As there is a deep and increasing interest now felt especially by the educated and literary portion of the community, in collecting or reading the incidents of the Revolutionary War, it is presumed that any thing relating to that trying and eventful period of our history, however unimportant in itself, will be acceptable to your readers. I have in my possession an old manuscript, written somewhat in the form of a journal, by Hugh McDonald, a soldier of the Revolution; and from this I now send you a short extract, which is at your service, and you may give it an insertion in your Magazine, or not, as you think proper. When in his fourteenth year his father took him along with him to the battle of Moore's Creek, where he was taken prisoner, but, like most of the privates who were made prisoners on that occasion, he and his father were set at liberty and sent home. On their return home they engaged again in their farming operations, but in June, before he had completed his fourteenth year, and before independence was declared, he enlisted in the American army and continued to the end of the war. Having entered the military service of his country at such an early age, and having continued in the camp until he had arrived to maturity, he was, of course, no scholar and had to employ another hand some years afterwards, to write down what he related; but as he required the amanuensis to write his precise words, it is not fit for the press in its present form. I have, therefore, taken the liberty of correcting the orthography, syntax and

punctuation, or at least the most glaring aberrations from the rules of grammar in these particulars; but I have made as little alteration in his language as possible. His account of the tory army and the battle of Moore's Creek, though containing no facts of any importance that have not been already published, is reserved for another purpose; and I begin with the account of his return home, his enlistment, &c., not because this is the most interesting part of the narrative, but because I may possibly, at some future time, send you another extract, provided this shall meet with favor from the Editors and readers of your Magazine, which seem to be assuming much more of a literary character, and promises to become a credit to the State.

"Notwithstanding this scouring," at Moore's Creek, "and the just contempt of our fellow citizens, we remained in heart as still Tories as ever. This expedition took place in the month of February, 1776, from which we returned and began to repair our fences for a crop the ensuing summer. About the first of June, a report was circulated that a company of lighthorse were coming into the settlement; and, as a guilty conscience needs no accuser, every one thought they were after him. The report was that Col. Alston had sent out four or five men to cite us all to muster at Henry Eagle's, on Bear Creek, upon which our poor deluded people took refuge in the swamps. On a certain day, when we were ploughing in the field, news came to my father that the light horse were in the settlement and a request that he would conceal himself. He went to the house of his brother-in-law to give him notice, and ordered me to take the horse out of the plough, turn him loose, and follow him as fast as I could. I went to the horse, but never having ploughed any in my life, I was trying how I could plough, when five men on horseback appeared at the fence, one of whom, Dan'l Buie, knew me and asked me what I was doing here. I answered that my father lived here; and he said he was not aware of that. 'Come,' he says, you must go with us to pilot us through the settlement; for we have a boy here with us who has come far enough. He is six miles from home and is tired enough.—' His name was Thomas Graham, and he lived near the head of McLennon's creek. I told Mr. Buie that I dare not go, for, if I did, my father would kill me. He then alighted from his horse, and walked into the field, ungeared the horse and took him outside the fence.

He then put up the fence again; and, leading me by the hand, put me on behind one of the company, whose name was Gaster, and discharged the other boy. We then went to Daniel Shaw's, thence to John Morrison's (shoemaker), thence to Alexander McLeod's, father of merchant John McLeod, who died in Fayetteville, thence to Alexander Shaw's, (blacksmith), thence to old Hugh McSwan's, who gave half a crown for a small gourd when we landed in America. Here I was ordered to go home, but I refused, and went with them to the muster at Eagle's. Next day Col. Philip Alston appeared at the muster, when these men told him that they had taken a boy to pilot them a little way through the settlement and that they could not get clear of him. The Colonel personally insisted on my going back to my father; but I told them I would not; for I had told them the consequence of my going with them before they took me. Seeing he could not prevail with me, he got a man by the name of Daniel McQueen, a noted bard, to take me home to my father, but I told him that I was determined to hang to them. Col. Alston then took me with him and treated me kindly. Mrs. Alston desired me to go to school with her children until she could send my father word to come after me, and she would make peace between us; but her friendly offers were also rejected.

"On the following Tuesday I went with the same company of horsemen to Fayetteville, where I met a gentleman by the name of Dan'l. Porterfield, a Lieutenant in Capt. Authur Council's company, who asked me if I did not wish to enlist. I told him, not with him; but I wanted to see a Mr. Hilton who, I understood, was in the army, and wherever he was I wished to be. He told me that he and Hilton were of one company, and if Hilton did not tell me so, he would take back the money and let me go with Hilton. I then took the money and was received into the service of the U. S. June 10th, 1776, and in the fourteenth year of my age.

"After my enlistment, we continued in Cross Creek until the middle of July, when we went on board Mrs. Blanctret's boat and floated down to Wilmington, where the brigade was made up, which was commanded by Gen. Frank Nash, and consisted of six regiments. Of the first regiment, Thomas Clarke was Colonel and John Mebane Lieutenant Colonel; of the second, Alexander Martin, from Hillsboro', was Colonel and John Patton Lieutenant

Colonel; of the third, Jethro Sumner was Colonel and William Davidson, Lieutenant Colonel; of the fourth, Thos. Polk was Colonel and J. Paxton, Lieutenant Colonel; of the fifth, — Buncombe was Colonel and ——— Eden, Lieutenant Colonel; of the sixth, Lillington had the command, but being unable, from old age, to go on parade, when the regiment was made up at Wilmington, he was forced to resign, and Lieutenant Colonel Lamb, from Edenton, took command of the regiment. Our Major died at Wilmington, and Capt. Arch'd Lyttle, from Hillsboro', who had been educated for a preacher of the gospel, was promoted to the rank of Lieutenant Colonel. Captain Griffin McRee, of Elizabethtown, was appointed Major, and of this regiment I was a private soldier.

"Not more than three weeks after the brigade was embodied, my Captain, Arthur Council, a young man who had been raised near Cross Creek, and whose father's house is yet known by the name of Council Hall, died. This young gentleman was distinguished in the regiment for modesty, gentility and morality. Shortly after the death of Council, his first lieutenant who was known by the name of Philadelphia Thomas White, became our Captain, and he was as immoral as Council was moral. As sickness was prevailing in the regiment, we moved out of town about eight miles, to a place called Jumping Gully, where we encamped untill about the middle of October and were drilled twice a day. In this camp I was taken sick, and continued ignorant of everything that passed for five weeks. One evening, the brigade being on parade, I felt a great desire for home, and thought I saw everything at my father's house before my eyes. I got out of my tent and went away some distance to a fresh running branch. The water, from falling over a large poplar root, had made a deep hole below, and, getting into the hole, I laid my head on the root, which I believe was the sweetest bed I ever lay in. The water was so cool to my parched body that I lay there until ten o'clock next day before they found me, George Dudley, Sergeant of our company, having crossed within two feet of my head without seeing me. William Carrol, who was in company with Dudley, discovered me, and exclaimed, "By G-d., here he is, turned to be an otter. He is under the water." Dudley, having passed me, turned back, took me out of the water and carried me to camp. When the doctor came to see me, he said that the water had cooled my fever and that I would recover,

though he had given me out before. I did recover and recruited very fast every day after my immersion. In addition to the advantages of my immersion, my good friend Hilton, the fife player, hired a gig in Wilmington and took me out of camp, to the house of one Blufort, who had a bridge across the North East River, about ten miles above Wilmington, where, from their kind attention and good water and the salubrity of the air, I soon recovered my former strength and joined the brigade sooner than could be expected.

I shall now give the readers some account of the Captains of my regiment, which was the sixth; but I shall omit the subaltern officers' list; in attempting to recall so many names and characters, I should make a mistake, which I do not wish to do. When the brigade was made up each regiment consisted of eight captains, and of the 6th regiment Arch'd Lyttle was first captain, and Griffin McRee, second, who had very undeservedly enlisted most of his men for six months and returned them for three years or during the war. This deception, on the part of Captain McRee, occasioned many desertions in his company, when six months, the term of their enlistment, had expired. Captain Lyttle was from Orange, Captain McRee, from Bladen. The 3d captain was George Doherty, who lived on the North East River, in Hanover county, and about 25 miles above Wilmington. He was a full blooded Irishman, about seventy-five years of age, much of a gentleman and a brave soldier. The fourth captain was Philip Taylor, from Orange, a raw Buckskin, destitute of grace, mercy or knowledge as to that which is spiritual, and filled with pride and arrogance. The fifth, was Tilman Dickson, from Edgcombe, a dirty Buckskin, who would rather sit on his hams all day and play cards with his meanest private soldier, in his homespun dress, than wash or uniform himself and keep company with his fellow officers as a captain ought to do. The sixth captain, was Jemimah Pigue, from Onslow, who was a smart officer, a middle aged man, and a guardian of his soldiers. The seventh captain was Daniel Williams, from Duplin, a Buckskin, a gentleman and the friend and protector of his soldiers. The eighth was Benjamin Sharp, who was from Halifax county, and was a very smart officer."

W.

When the brigade embodied at Wilmington, it consisted of nine thousand and four hundred, rank and file: twelve Colonels

(including Lt Colonels), six Majors, forty-eight Captains, ninety-six Lieutenants, forty-eight Ensigns; two Drummers and two Fifers to every Captain's Company; one hundred and eighty-two Sergeants, eight Quarter Master Sergeants, and Sergeants Major to each regiment, one Drum Major, who was an old gentleman from Elizabeth, by the name of Alex. Harvey; one Fife Major an Englishman, by the name of Robt. Williams, a master of all kinds of music and genteelly bred, who had been transported from England before the war, for cursing the royal family; eight Doctors, eight Adjutants and one Brigade Major, a hatter from Hillsborough, besides Sutlers and Paymasters.

On the 1st of November, we received orders to march to the North and join the grand camp, commanded by Washington. About the 15th of November, we marched from Wilmington, under the command of Gen. Frank Nash, and proceeded to the Roanoke river and encamped about a mile and a half from the town of Halifax, in Col. Long's old fields, who was Commissary General of the North Carolina troops. There we remained about three weeks, when we received orders to turn back and go and meet the British at Augustine and prevent them from getting into the State of Georgia, and proceeded by way of Wilmington. On our march, we lay on the South side of Contentney creek, where there were living an old man and woman who had a number of geese about the house; and next morning about twenty of their geese were missing. They came to the encampment inquiring about them; but getting no information among the tents, they went to the General, who said he could do nothing unless they could produce the guilty. On his giving them ten dollars, however, they went away satisfied; and I am very sure that I got some of them to eat. Being a sleepy headed boy, I always went to sleep as soon as the fires were made; and, having done so now, about midnight, a Mr. John Turner, a messmate of mine, tried to awaken me, which he found difficult to do, but, being a strong man, he lifted me up and began sticking pins in my rump until I was fully awake, when he said, "D—n you, go to the kettle and see what you will find there." I went and found it was fowl flesh and very fat. I did not understand it that night; but knew what it was next morning when the old people came to camp inquiring for their geese. The General, after paying them ten dollars, gave the men strict orders

to be honest or he would punish the least offence of that kind with severity.

We proceeded thence to Wilmington where we stayed two days, and thence by Lockwood's Folly to Georgetown. When we got to the boundary house we encamped for a short time to rest, and Col. Alston, a wealthy gentleman of the neighborhood, came to see Gen. Nash, and told him he could show him a better camping ground, which was an elevated neck of land covered with hickory and other good firewood. The trees were covered with long moss from the top to the ground; and of this we made excellent beds. There we stayed about a month waiting for further orders, where we cut and cleared about a hundred acres of land. During our continuance here, those who had been enlisted by our Major McRee and returned during the war, applied to their Captain for this discharge; but he was not aware that any in the camp had been enlisted for six months. They then applied to their old Captain, who had been promoted to the rank of Major, but he told them, in reply to their just request, that he would have them put under guard and punished accordingly to the martial laws. This rebuff they were forced to bear and remain in silence; but concerted a plan for their own relief; for in the morning it was found that nine had deserted, some of whom were never taken, notwithstanding the claims resting upon them. Arch. Bone acted as pilot to these deserters—the rest were late deserters from Scotland, viz: John Currie and Arch. Crawford. Three were colored people, Gears, Billy, George and Jack.—The other three were McDonalds, George, Thomas, and Zack.

From this pleasant place we marched for Charleston, S. C., and crossed the Pee Dee at a place called Winyaw, about halfway between Georgetown and the inlet. Thence to Charleston, and there we had orders not to go any further towards Augustine. We then marched back across Cooper river to Hadrell's Point, opposite to Fort Sullivan, where we lay the remaining part of the winter and spring until March 1777, and where we were fed on fresh pork and rice as our constant diet. About the 15th of March, we received orders to march to the North and join Washington's grand army. We marched to Wilmington, N. C., and thence to Halifax, where we crossed the Roanoke river. After leaving the ferry and marching up the river about two miles, we came to a fishery; and

the commanding officer having desired leave for his men to draw the seine, which was readily granted, by drawing it once, we drew so many that you would hardly miss from the pile what we took for our breakfast.

We then marched on, and crossed the Méherrin, at Hick's ford. Next morning my friend Hilton asked me if I would not like to see old Janus and I told him I would. "Well, I can show you his shape," as he was going that morning to see his wife and children. I told him that I did not know that he had a wife. He said he had and I should go with him to see them. On our way we went by the stables where old Janus stood, or rather his skin newly cased with crystals for eyes, but he looked so firm that you would scarcely venture up to the stall where he stood. We went on to Mrs. Hilton's who lived with her mother and two sons, where we stayed two days. Mr. Hilton then took a couple of horses and a negro to bring them back, which we rode until we overtook the Brigade. As we passed through the State of Virginia, we could scarcely march two miles at a time without being stopped by gentlemen and ladies who were coming to the road purposely to see us. We stopped two days at Williamsburg and rested. We then marched on and crossed the James river at the town of Richmond, where there were fishers; and having gotten leave there also to draw the seine, every man took as many fish as he wanted. While passing through the town a shoemaker stood in his door and cried, "Hurrah for King George," of which no one took any notice; but after halting in a wood, a little distance beyond, where we cooked and ate our fish, the shoemaker came to us and began again to hurrah for King George. When the General and his aids mounted and started, he still followed them, hurrahing for King George. Upon which the General ordered him to be taken back to the river and ducked. We brought a long rope, which we tied about the middle, round his middle, and sesawed him backwards and forwards until we had him nearly drowned, but every time he got his head above water he would cry for King George. The General having then ordered him to be tarred and feathered, a feather bed was taken from his own house, where were his wife and four likely daughters crying and beseeching their father to hold his tongue, but still he would not. We tore the bed open and knocked the top out of a tar barrel, into which we plunged him headlong. He

was then drawn out by the heels and rolled in the feathers until he was a sight but still he would hurra for King George. The General now ordered him to be drummed out of the West end of town, and told him expressly that if he plagued him any more in that way he would have him shot. So we saw no more of the shoemaker.

We then marched on until we came to the Potomac river; but, early in the morning, we were halted and all the doctors called upon to inoculate the men with the small pox, which took them until two o'clock. We then crossed the river at Georgetown, about 8 miles above Alexandria, near the place where Washington city now stands. There we got houses and stayed until we were well of the smallpox. I having had the pox before, attended on the officers of my company until they got well, but what is very strange, in the whole Brigade, there was not one man lost by pox, except one by the name of Griffin, who, after he had got able to go about, I thought he was well, imprudently went to swim in the Potomac, and next morning was found dead. About the last of June we left Georgetown for Philadelphia. About twelve miles from Baltimore, I was taken sick and helpless in the road, Lieutenant Dudley, Sergeant Dudley and some others stayed to bury me, when it was thought that I would die but, seeing that I was not dying nor coming to my senses they took me on their back, turn about, until they came up with a wagon. The doctors saw me, but would not venture to give me anything, as they did not understand my complaint. I lay so until about midnight, when our sutler, who had been gone four days after a load of whiskey, came into camp. Lieutenant Hadley got some spirit, about a spoonful, down my throat which he thought helped me. He then gave me about a wine glassful, and in about fifteen or twenty minutes I came to my speech. Finding that the whiskey helped me, he gave it to me until daylight, at which time my complaint was discovered to be measles. I was then put into a wagon and carefully nursed by Lieut. Hadley, until I got well. Going on our march, about two miles above Susquehanna river, I saw an old woman with her son and daughter about twelve years old, and on hearing her speak to them in my mother tongue, I asked her how she came here. She thanked her Maker, that she had met with one who could talk with her, and told me that her son had been

transported for a frivolous crime, committed in his own country, that he had been sentenced to be sold for seven years servitude in the State of Maryland, and that having no other son, and not willing to have a separation from him for ever, she had followed him here with her little daughter. I told him if he would enlist with us, he would finish his servitude at once. He said, if he thought so, he would do it. I told him that no man dare take him out of the service and I would ensure him. Upon which I gave him two dollars and told him he should have the rest of his bounty. Before night the old woman said she would go also, and when I urged her not to do it, she was determined, and going for her baggage, she returned to camp that night.

